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SUPERFUND OVERSIGHT

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SUPERFUND OVERSIGHT

FRIDAY, APRIL 8, 1983

U.S. Senate,
Committee on Environment and Public Works,
Washington, D.C.

The committee met at 10:05 a.m., in room SD-406, Dirksen Senate Office Building, Hon. Robert T. Stafford (chairman of the committee) presiding.

Present: Senators Stafford, Chafee, Moynihan, Mitchell, and Humphrey.

OPENING STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Senator Stafford. The Committee on Environment and Public Works will please come to order.

We welcome our guests and the witnesses to this morning's hearing. This will be another of several hearings which this committee intends to hold on the implementation of the country's environmental laws.

This morning's hearing deals with implementation of the Superfund law as it is popularly known. I expect we will conduct at least one and possibly more hearings on the subject of Superfund's implementation.

Future hearings will explore the four other general areas. They are as follows: First, the implementation by the EPA of the Toxic Substances Control Act, the Federal Insecticide, Fungicide, and Rodenticide Act and the other regulatory programs dealing with toxic chemicals.

Second, we will examine the current status of the environmental research and development programs of the Federal Government, Although we will concentrate on those R&D programs supported by EPA, the committee is also concerned with those operated by other agencies including the Departments of Energy and Health and Human Services.

Third, we will examine the enforcement programs and policies of EPA. Finally, we intend to explore what actions have been taken at the agency for the purpose of easing the regulatory burdens on the various polluting industries.

The newest of the environmental laws, as is indicated, is the subject of this morning's hearing. It is the Comprehensive Environmental Response, Compensation and Liability Act, and the act, with a name that long, is mostly entitled and will be called Superfund. It was enacted in 1980 to clean up hazardous substances and waste sites. To do this, the law established a special fund, supported by a tax on the chemical industry. It also established special rules of liability to make it easier for the State and Federal Governments, as well as injured parties, to collect damages in lawsuits.

In the past several months there have been extensive criticisms of the manner in which the Superfund law has been implemented. These criticisms played a prominent role in the recent personnel changes at the EPA.

At the outset of the controversy surrounding this program, and, in particular, Rita Lavelle, the committee decided to conduct the series of oversight hearings which I have outlined. The hearing will also serve another purpose, that is, to build a record for the purpose of later hearings on the nominations of those proposed to fill the various vacant posts at EPA.

The only witness scheduled to appear before the committee this morning is Mr. Lee Thomas, the Acting Deputy Administrator of the Environmental Protection Agency.

However, it is my understanding that he will very likely be joined by some members of his staff for the purpose of responding to questions. Since we intend to swear those who testify this morning, I would appreciate Mr. Thomas asking those who he expects to assist him to come forward and identify themselves for the purpose of the record and for admission of the oath.

I might do that now, Mr. Thomas, before we go to statements from other members of the committee.

Mr. THOMAS. Senator, I have with me this morning on my left, Mr. Bill Hedeman, who is the Director of the Office of Emergency & Remedial Response which is the Superfund Office; Mr. Gene Lucero, who is the Director of the Office of Waste Programs Enforcement, and Mr. Mike Brown, who is the Enforcement Counsel in the Office of Waste Programs Enforcement Counsel with EPA. Additionally, there is Jacqueline Schafer who is the Regional Administrator of our Region II Office in New York, is due to be here, however, because of flight problems in getting into National Aiport apparently is late and may arrive during the hearing.

Senator STAFFORD. The chairman is not surprised she is late in view of the weather this morning, and we know of Jackie Schafer quite well, so we will give her the oath when she gets here. But now, gentlemen, if you would rise and take the oath?

Do you swear that the testimony you will give to this committee is the truth, the whole truth and nothing but the truth, so help you God?

Mr. THOMAS. I do.

Mr. HEDEMAN. I do.

Mr. LUCERO. I do.

Mr. BROWN. I do.

Senator STAFFORD. Thank you very much.

Senator Chafee, do you have an opening statement?

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. I do, Mr. Chairman.

I think it is very appropriate that you have called these oversight hearing today and the others that you have scheduled.

With hazardous waste, clearly, the critical environmental issue of this decade, we have to push the agency's resources back to implementing the program and not defending it. From today's hearing, it is my hope that we can evaluate the major policies of EPA that it is currently following in making decisions and responsible actions; what EPA is doing in site cleanup and use of the Superfund itself, and it is to explore the reasons for what seems to be slow progress in initiating actual cleanup actions at sites around the country.

In developing Superfund, we are seeking to meet the urgent need for timely, safe cleanup of dumps and spills.

Yet almost daily there are reports of hazardous waste sites all over the country where action is needed but is held up for one reason or another. I do fully appreciate the difficulties that you have in administering this program. You are dealing with incredibly complex issues, and there are all sorts of sensitivities involved. But it does seem to me that the only way to get the program under control is to move vigorously to clean up these sites, and we have got to use some money that is in the Fund for this purpose.

As I understand the situation, you will have a chance to rebut the view that I have gained that the Agency's position with regard to utilizing the resources in the Fund has been to conserve the Fund. Decisions were based on a limited Fund which, under the law, is to sunset in 1985.

The Federal Government, in effect, would stick its fingers in the dike only until the States could get their own Superfund programs underway. Now, this approach, I believe, is negatively affecting the level and the extent of cleanup. In my mind, there is no question that this committee will vote to extend the reauthorization of the Fund until beyond 1985 until the hazardous waste situation is fully under control.

I am committed to do that.

When it is clear that more resources are needed, I am confident that the EPA will let the Congress know what additional action must be taken.

Now, what I am interested in and, I believe, the other members of the committee likewise, is the successful operation of the program. In the discussion of the Superfund earlier this year, a number of issues were raised which affect the Agency's actions on hazardous waste cleanup.

Example: The inability of many States to come up with their share. It is my understanding that 42 States have not yet put up their matching share; modest, though, that is my figure. Second, how clean is clean? You remove the barrels, what do you do from there? The level of cleanup may vary depending on whether the Fund finances cleanup or cleanup is sought through enforcement.

Determining whether to persue settlement at specific sites or litigation for cleanup has led to questions of judgment in policy interpretation. I would like to say here that I am not opposed to settlements. I know that the Agency probably is gun shy now, that the easiest out is to go to Federal Court and have some judge decide it and then everything is pure and clean.

That frequently is not the best way to proceed. It is longer, and it does not get the job done as quickly and as efficiently. So I support settlements in those cases where the best judgment of all concerned is settlement which is a sizable undertaking. I would hope that the agency would not shy away from settlements because of the fear that they will be criticized and nitpicked with 20/20 hindsight by Monday morning quarterbacks reviewing it later on.

Now there is the question of Federal facilities. They are not included on the national priorities list of sites, and EPA has little ability to monitor cleanup or compell action as such.

What are we going to do in those cases? Those are some of the complexities involved in the program as I see them. As everyone knows, we are facing a changing management at the Agency. I'm concerned that this shift may further impede Superfund program. So hopefully, we can move forward with a reexamination of the policies and decisions and the fair articulation of the goals and objectives.

As one person on this committee—and I think the others also agree—we want to be helpful to you and to Superfund and to seek to do all we can to assist you in carrying out the intent of the act with vigorous enforcement where necessary and orderly settlement of the issues so the program can proceed.

Thank you, Mr. Chairman.

Senator **STAFFORD**. Thank you very much, Senator Chafee.

Senator Mitchell?

OPENING STATEMENT OF HON. GEORGE J. MITCHELL, U.S. SENATOR FROM THE STATE OF MAINE

Senator **MITCHELL**. Thank you, Mr. Chairman.

I join Senator Chafee in commending you for calling these hearings, as I, as do you and Senator Chafee, look forward to the testimony of the witnesses here today and in succeeding days of these hearings.

Our objective, so clearly stated by both of you, is to clean up the hazardous waste sites that exist around this country. That was the overriding rationale behind the Superfund law when it was written, it remains that rationale today. I hope that out of today's hearing, we can at the very least come up with a definition of the scope of the problem which, if anything, in my judgment, is becoming clearly larger than was anticipated when we passed this law in 1980, and that we can determine the extent to which the current law will be sufficient to meet that problem or, as I believe to be the case, insufficient and therefore lay the foundation for extention, indeed, expansion on the current law, and that perhaps through the processes that have gone on, can make some effective judgments regarding how policies ought to be changed in the future.

I want to emphasize from my standpoint that inquiry into previous practices is motivated by a desire to determine what, if anything, went wrong and how can it be improved and not in any way as a means of pointing the finger of blame at anyone. I think that unfortunately, the effectiveness of the Agency has been hampered by all of the recent controversy. That is clear.

But out of every tragedy comes some triumph if these hearings and the events of the past weeks are seen as an opportunity for a fresh start under new, vigorous, and committed leadership to do that which the Congress has made clear it wants done, the American people clearly want done. and, I believe, the overwhelming majority of the people involved at EPA want done.

So I hope very much that we will be able to develop information that can be used in a constructive way and to achieve the objective which we all share notwithstanding any disagreements we may have about means by which to achieve that objective.

Thank you, Mr. Chairman.

Senator **Stafford**. Thank you very much, Senator Mitchell. I think you and Senator Chafee stated the situation very well.

And now, Mr. Thomas, we would be very pleased, if you have a statement you would like to make to the committee, to hear it.

STATEMENT OF LEE THOMAS, ACTING DEPUTY ADMINSTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ACCOMPANIED BY BILL HEDEMAN, DIRECTOR, OFFICE OF EMERGENCY AND REMEDIAL RESPONSE; GENE LUCERO, DIRECTOR, OFFICE OF WASTE PROGRAMS ENFORCEMENT; JACQUETLINE E. SCHAFER, REGIONAL ADMINSTRATOR, REGION II; AND MIKE BROWN, ENFORCEMENT COUNSEL

Mr. **Thomas**. Thank you, Senator.

Mr. Chairman and members of the committee, I am Lee Thomas, the Acting Deputy Administrator for the Environmental Protection Agency, and I have introduced the gentlemen I have with me today. During the 6 weeks that I have been at EPA, I have begun an in-depth review of the various programs within the Office of Solid Waste and Emergency Response, which is the office, that has the responsibility for managing the Superfund program.

I also have discussed the status of this review with the Administrator-designate, and he has indicated that upon his confirmation by the Senate he will give high priority to any changes necessary to insure that this program will be administered effectively.

I believe our discussions today should mark the beginning of a renewed commitment by the Agency to candidly review both our progress and our concerns about impediments to implementing this vitally important statute with its authors in Congress. I would like to briefly review with you today three areas and then any questions you may have.

These areas are: the status of Fund-financed actions as far as cleanup is concerned, enforcement activities and the status of the Fund.

Before discussing the status of Fund-financed activities, I want to note that the implementation of this major piece of environmental legislation has required the development of a working relationship between the Federal Government and the States for responsible actions; extensive consultation and cooperation among Federal agencies and the establishment of accountability for the efficient, effective management of fund money that finance removal and remedial actions.

In the first 2 years of this program, the Agency concentrated its efforts on building the necessary management systems, developing a strong policy and regulatory framework and initiating the field planning activities required for responsible decisions on site remedies.

Milestones during this time included establishment of a Superfund program office within 2 months of passage of the statute, design of an automated data system for site inventory and project tracking; development of a comprehensive financial management and accounting system to support cost recovery efforts as well as enhanced program management, design of a hazard ranking system to prioritize site response, award of major contracts to support the field activities of the emergency, remedial, and enforcement aspects of the program, proposal of the National Priorities List of 419 sites for remedial action, health, and safety training programs for regional and State employees involved in actual response actions.

Additionally, during this same period, the Agency has continued to implement the emergency or removal authorities provided in the Superfund Act. This aspect of Superfund has not received a great deal of nationl attention, but it is the area in which we can achieve the most immediate results in an emergency situation. It is important to note that in removals, the Federal Government can act alone. By the end of March, a total of 119 removal actions had been approved for implementation by EPA or the Coast Guard, two agencies established as lead agencies in a removal action.

Of these, 99 have been completed , and over $26 million has been obligated to date.

Total surface cleanup has been completed at 62 sites. These are sites in addition to those on the National Priorities List for remedial action. For 48 sites on the Priorities List, we have had to step in on an emergency basis. In short, EPA has not hesitated to exercise the emergency authorities provided by the act to protect public health and the environment.

For long-term or remedial action, the agency is compiling a growing record of work underway. As of the end of February, in excess of $70 million has been obligated for remedial actions at 71 specific sites. These include: 62 feasibility studies, 18 designs, 14 remedial actions, and 15 initial remedial measures. This has required entering into 42 cooperative agreements and 36 contracts with States.

In this regard, I would like to discuss one of the critical links in Superfund which is the close relationship between the Federal and State Governments in response actions at abandoned hazardous waste sites. Congress designed an active role for the States as well as the Federal Government in response at sites. While it is true that the Federal Government has a large trust fund at its disposal, Congress nevertheless, also required States to contribute financially as well as in other ways to response actions.

States are required to give three assurances in order for a remedial project to move ahead: First, assurance of a 10-percent share of the costs for remedy at a privately owned hazardous waste site; if that site is publicly owned, the State's share must be at least 50 percent of the total cost of response. Second, if required for site remedy, the State must provide an adequate, offsite permitted hazardous facility for disposal of site waste; and third, a State must assure the continued operation and maintenance associated with any responsible acition at a site.

While there was general agreement on the need for State involvement at the outset of the program the difficulty that States would have in meeting these requirements may not have been expected; nor were the impact and delays that these would cause for cleanup efforts at Superfund sites foreseen.

Let me give you a few examples: The first assurance required from a State, that of the cost-share, is known to the States at the time that sites are nominated and scored on the National Priorities List. Only 22 States to date have a continuing established fund to cover such remedial actions. However, these States do have two-thirds of all sites on the National Priorities List.

In the remaining States, independent authorizing legislation is needed for the required State match at each site. Obviously, this can be a lengthy process and one that may not be concluded by the time the money is needed.

Needless to say, we are all aware of the financial situation of a number of the States that are involved.

The second assurance, that of an adequate offsite disposal facility, is also one in which we are running into unforeseen problems. For example, any cost effective remedy for the dioxin sites in Missouri that requires the excavation and disposal of contaminated soil must await the identification by the State from a permit hazardous waste disposal facility.

At present, there is no facility that can accommodate large amounts of soil with high levels of dioxin contamination. Certainly, one of the things we are pursuing with the State of Missouri, in addition to our efforts of relocation and cleanup, is the need for a disposal site.

The third assurance, that of continued operation and maintenance of a remedy, again, presents problems unanticipated by the Congress and Agency. These stem from the complexity of the physical and environmental problems at these sites and the uniqueness of such problems.

As the Agency began to investigate each of these sites more closely, it became apparent that at many sites, ground water is most probably affected by the contamination.

Indeed, in almost 400 of the 650 sites that were scored for the National Priorities List, there were observed ground water releases. 328 of the proposed 419 sites were placed on the national priorities list largely based on their ground water scores. Naturally, the seriousness of the ground water contamination is increased when the ground water is used for public water supply. The problems encountered by the agency in investigating and remedying these sites revolve around the fact that ground water is an unseed resource that cannot easily be traced much less diagnosed.

We find that it is necessary to monitory and sample ground water over a number of seasons, possibly for as long as a year, before we have complete information about the extent of comtamination and the direction of its movement.

Considering that the state-of-the-art technology to treat ground water is extremely expensive, the agency believes it is worthwhile to take the time necessary in the study stage to adequately understand the problem and the potential effects of any remedial action before commiting Superfund money.

While examining remedial alternatives for ground water contamination is time consuming, the capital costs to clean an aquifer can be very high, and the operation and maintenance costs may also be great and extend for many years.

Accordingly, some States have been reluctant to provide even the limited matching funds required to study and evaluate alternative remedies without better information on the overall cost which will be involved.

Let me turn now to the CERCLA enforcement program. The strong enforcement authorities of CERCLA, appropriately implemented, will also augment the hazardous substance response fund by securing private party cleanup where it is possible to do so in a timely fashion.

In addition, the Agency will recover expended CERCLA moneys where feasible to reimburse the Trust Fund to be used for additional removal and remedial responses.

Preliminary estimates suggest that several hundred million dollars can be recovered through 1988. Additional funds may be available for recycling into the Fund as the Agency expands the use of unilateral administrative orders with their treble damage potential.

In order to help further the goal of supplementing the Fund through enforcement action, the Agency has referred 29 new CERCLA cases to the Department of Justice to date. In addition, the Agency has amended 24 existing RCRA section 7003 imminent hazard cases to include CERCLA counts. So far, Agency enforcement actions have resulted in 42 settlements worth an estiamted $150 million in private party cleanup, financial contribution to government funded response or recovery of CERCLA funds.

We are now classfying the 419 national priority list sites according to the categories of Fund-financed cleanup with no enforcement activity, enforcement action, with no fund-financed cleanup and fund finance cleanup with enforcement action for cost recovery.

Given the large number of sites that must be addressed over the next 3 years, it makes sense for the Superfund remedial and enforcement program components to focus their efforts on different sites to the maximum extent feasible.

We intend to reserve joint enforcement and Fund-financed activity for a smaller number of sites for which enforcement prospects are good but where the public interest also suggests the need for prompt remedial response.

Once final classifications are made, the remedial and enforcement offices will be able to address more sites with less duplication of effort.

I am evaluating the Agency's experience in implementing the CERCLA Program to date and believe some changes and procedures can enhance the prospects for effective and timely enforcement.

One area where modifications appear necessary is in the practice of seeking prelitigation settlements with responsible parties. Experience indicates that the prospects for obtaining sound settlements are enhanced when the Government has firm estimates of the dimentions of the problem and proposed remedial solutions ready to lay down on the table.

Therefore, we are reviewing a new policy whereby the Agency will normally undertake the remedial investigation and feasibility study prior to negotiating with responsible parties.

The negotiations will begin only after the studies have been completed. In other words, the finished study will serve as the basis for negotiations with the responsible parties. The negotiations for design and construction will then proceed under firm deadlines which will be strictly adhered to. Responsible parties will be given the opportunity to completely implement or pay for the total remedy.

If the negotiations are not sucessfully concluded within the specified period of time, either the Fund will proceed with total site cleanup and the responsible parties will be suied for cost recovery under section 107 or a section 106 enforcement action—either a civil referral or a unilateral administrative order—will be initiated for site cleanup.

The approach of postponing negotiations until after the feasibility study has been completed has three major advantages. It assures that the remedial alternatives are adequate to protect public health and the environment. It assures that negotiations will not drag out over a lengthy period of time since both the Agency enforcement representatives and the responsible parties will know at the outset both the diminutions of the problem at the site and the remedies we want them to design and implement.

It also assures that should negotiations move unsuccessfully, site work will be able to quickly proceed with either Fund-financed cleanup or section 106 enforcement efforts since the necessary planning work will have already been completed.

Finally, let me give you a brief review of Fund status. Our current estimates of Fund of show that, as of the end of February 1983, the Fund has total receipts of approximately $580 million.

The Agency has obligated over $255 million, leaving an unobligated balance in the Fund over almost $325 million. The 1984 budget request for Superfund reflects an increase of 48 percent over 1983 levels and an increase in resources for site cleanup of nearly 55 percent.

It is anticipated that expenditures will peak towards the end of the statutory time period for the Superfund Program. A simple explanation for this is the Agency anticipating a move into the more costly design and construction phases of the project in the years 1985 and 1986.

The first 2 years of the remedial program have been devoted to building the necessary policy and regulatory framework on which to base actions and the development of feasibility studies required to diagnose the problem at the sites.

Therefore, requests for Fund appropriations for the upcoming years are expected to be substantially higher in order to complete work on those sites which can be cleaned up within the overall amount of money available within the Fund.

I wish to thank the committee members for this opportunity to appear before you to outline some of the major issues facing us in implementing the Superfund Program.

I, along with my colleagues, would be pleased to answer any questions that the committee may have.

Senator STAFFORD. Thank you, very much, Mr. Thomas.

Senator Moynihan, we had opening statements from three of us. Did you have one that you would like placed in the record, or would you care to make it this morning?

Senator MOYNIHAN. Thank you, Mr. Chairman.

I have had an opening statement on the Superfund for the past 2 years, and they have accomplished nothing. Most of the people I have asked are fired.

Senator STAFFORD. Thank you, very much.

Senator Humphrey, did you have an opening statement?

Senator HUMPHREY. No; thank you.

Senator STAFFORD. I see the senior New Englander says no.

Mr. Thomas, you have been at the Agency how long now?

Mr. THOMAS. Six weeks.

Senator STAFFORD. Six weeks. I think you have shown a good grasp of the situation in that very short time.

There is one area which was specifically considered by Congress that I would like to explore with you and your colleagues for just a minute. When we passed the Superfund Law, there was considerable agreement that $1.6 billion would be too little for the task at hand.

In fact, in the original bill, on this side of the Capitol, $2 billion in the program. It was reduced to a sum that would allow us to get it through the Congress, frankly. We knew at that time—at least the Chairman did and I am sure my colleagues did—that it was too small.

For that reason, that we knew $1.6 billion would be too little, Congress voted into the law a requirement that the Agency be frugal with Fund money. We call that provision the "Cost Effectiveness Requirement."

While we wanted the Agency responses to be cost effective, which means that in some cases the Superfund solution would be less than what is completely desirable, we wanted the companies involved to be responsible according to the law.

The chemical industry pressed us hard on this issue. They wanted very badly for their liability to be limited to no more than what Superfund could spend. The committee refused this industry request.

First, we wanted it clear that those who dump these poisons would be required to clean them up completely. The Government will step in and give local residents in the States a helping hand, but the ultimate responsibility belonged to the individual companies.

We also refused because we thought that such a requirement would greatly complicate the Superfund lawsuits to recover costs. Even though Congress flatly rejected the industry's position, I find that the national contingency plan says that lawsuits are constrained by the cost-effectiveness requirement.

My first question, therefore, is, how did this provision find its way into the national contingency plan?

Mr. **Thomas**. Senator, let me respond to a couple of points you made and try to get to the specific answer you are looking for.

Senator **Stafford**. All right.

Mr. **Thomas**. One, you began with an overall discussion of the amount of money available in the Fund. There is another requirement in the Fund, as you know, of Fund balancing. Congress established a requirement for us to fund balance, in effect, as we look at alternatives at sites, to take into account the overall amount of money in the Fund.

So, there is a requirement for Fund balancing, and I would think that Congress was also thinking in those same terms when they established the requirement for a cost-effective remedy that you spelled out as a prerequisite when we finance a site.

I would have no knowledge of the actual relationship between that provision and the provisions for enforcement in the NCP of, as to how it got from where it did to where it is. I don't believe any of my colleagues do. I don't know; we can ask them, but we can respond, I would think, from Mr. Lucero's point of view and Mr. Brown as to what impact that may have as far as enforcement cases are concerned generally.

Maybe, first, we should find if anybody has a specific answer to how it got into the NCP.

Senator **Stafford**. May I inquire directly of your colleagues?

Does anyone know how this provision did get into the national Contingency plan? If you don't know, just say so.

Mr. **Hedeman**. Mr. Stafford, I assumed responsibility for the Superfund program on November 1, 1981. Prior to that time, the staff who works for me had prepared several drafts of the national contingency plan for review within the Federal Government and with the various Federal agencies who support the program.

I am advised—though I have no direct knowledge of this—that at some point in the July-August timeframe of 1981, the plan was removed from the program office by the Administrator and a rewrite of that plan by her and other individuals who I am, frankly, uncertain of, was undertaken.

It was only after that rewrite occurred, some time in the December-January timeframe, that I was told to process it through rulemaking, the point being that no one, I think, at this table was involved in the development of the actual plan that went through rulemaking in March 1982.

Senator **Stafford**. I gather, then, that the rewrite of the plan that you have referred to occurred over a period of 5 or 6 months, July to December?

Mr. **Hedeman**. I don't have any direct knowledge to that effect, but I would—it was my understanding that cost of the rewrite occurred in the August through October timeframe.

Senator **Stafford**. All right.

Mr. **Hedeman**. But I cannot recall receiving it back until sometime in December.

Senator **Stafford**. All right.

Thank you.

To keep the record straight, Mr. Brown, is that your understanding also?

Mr. BROWN. Mr. Hedeman knows a lot more about it than I do, Senator. I have no idea how it got in there or who might have worked on it.

Senator STAFFORD. You had nothing to do with it?

Mr. BROWN. No, sir. I didn't arrive at the Agency until late April 1982.

Senator STAFFORD. Mr. Lucero, did you have any hand in the change of the plan that we have been discussing?

Mr. LUCERO. No, sir. At the time it was being rewritten, I was in a different capacity in region VIII of EPA.

Senator STAFFORD. Thank you, very much.

And I gather none of you were consulted as far as the change in the plan.

Mr. Thomas, you couldn't have been, because you weren't there at the time.

Mr. THOMAS. That is correct.

Senator STAFFORD. And I gather from your answer, sir, that you were not consulted; is that correct? You all say it is correct. Then I presume your answer would be—because I don't want to put words in your mouths—that you don't know, none of you know why the 12th floor, which is the Administrator's floor, made these changes in the national contengency plan?

Am I correct in that?

Mr. HEDEMAN. That is correct, in terms of direct knowledge, that is correct.

Senator STAFFORD. You say the same, Mr. Lucero?

Mr. LUCERO. I don't have any direct knowledge either, sir.

Senator STAFFORD. Mr. Brown, your answer is the same?

Mr. BROWN. That is correct, sir. I have no direct knowledge.

Senator STAFFORD. Thank you, very much, gentlemen.

Since there are several of us here, I have limited myself to a little over 5 minutes or thereabouts.

Suppose we go on a 10-minute cycle through the committee—would that be agreeable—and then we will repeat as often as necessary to get the job done.

This committee has long had a standing tradition of recognizing Senators in the order of their appearance.

Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman.

Mr. Thomas, you set forth the three requirements that the States have, under the program. Do you believe that those requirements should continue, or should we make some changes?

Mr. THOMAS. At this point in time, I would say that I believe they are basic requirements that should continue. However, there may be a need for some modification as far as regulations are concerned on how we implement those requirements.

Now, let me expand on that a little bit: For instance, the 10-percent State share that is required in site for designed and construction, by regulation, has been applied to both the design and construction phase and the planning feasibility phase. Currently I am reviewing whether it should continue to apply to the planning phase as well as the design and construction phase.

The full extent of the requirement relating to State assumption of operation and maintenance costs, for instance, both the time requirements over a long period of time and the full funding requirements, I do not think, were really understood when the legislation was written. We may want to go back and see if possibly there should be some modifications to the requirements on the part of the State.

Mr. HEDEMAN. Bill, you may want to expand on that.

Senator CHAFEE. It is not too late; please, Mr. Hedeman.

Mr. HEDEMAN. I really have nothing further to expand on. I think that all of these policies, given the experience that we have had over 2½ years, must be reviewed.

Senator CHAFEE. Do you believe that there should be a requirement in the law that every State have a permitted hazardous waste disposal site?

Mr. HEDEMAN. Well, there certainly are some States that have no active need, in the Superfund sense, for a permitted site. The reason I say that is, that they have sites that can be dealt with by on-site treatment as opposed to taking it away.

Certainly, many of the States that have a large number of sites are encountering a very serious problem in the sense of where to take the waste.

Senator CHAFEE. Nevertheless, it seems in Superfund we are not only interested in the actual cleanup, but we are also interested in preventing more dumps from occurring in the future so-called, midnight dumping. I find it very difficult to understand that all States want their States clean and all States want places to dispose of it, but very, very few States are prepared to undertake the licensing and permitting of an RCRA site.

Mr. HEDEMAN. I can point out that this is one of the major delay problems that we are encountering. There are only a handful of States that really have adequate license disposal facilities, and we quite often, as we move to actual cleanup, some of these sites and put out bids for contractors to bid on, the ultimate disposal site winds up being in a State that is not where the waste exists.

Senator CHAFEE. If a State wanted cleanup money, they would have to develop a licensed site for not only the disposal of what we take out of this site, but also for future disposal?

Mr. THOMAS. Senator, let me comment a little bit, because we are really talking about——

Senator CHAFEE. I know this is a little bit out of your immediate range.

Mr. THOMAS. My office has the responsibility also for implementation of the RCRA statute, and there are major issues here that are not just whether the State wants to do it or not. I think that it actually comes back to EPA and what EPA has done as far as implementation of the RCRA statute.

For instance, EPA has promulgated regulations and is now in the process of permitting land disposal facilities. It was a very complex process, both to develop the regulations and now, a detailed process of calling in of permits and permit review. So I think basically what is you have got two programs that are going along here; one may be a little ahead of the other.

Nevertheless, we are moving ahead with RCRA, to in fact, prevent future sites as well as have establish facilities, permitted facilities—we have got interim status facilities now—but fully permitted facilities for cleanup of sites. And you know that the problem—and I did not mean to present as such—is that the State are refusing to move forward in some regard; I think it is much more of a complex problem now.

Senator CHAFEE. Well, I do not agree with you. I think the States are refusing to move forward. We have the instance of communities enacting legislation that no hazardous waste site can be within that community and the attempts of the State to override it. I really get very distressed thinking of where there are going to be licensed disposal sites. I do not believe in all of New England there is a licensed site. I may be wrong.

Mr. THOMAS. I guess that is what I was trying to point out.

Senator CHAFEE. It is not because they are not striving to get the license and they cannot meet the requirements; it is that they just do not want to have a site, and they want to put it in the other fellow's backyard. Alabama always seems to be a favorite.

Mr. THOMAS. I think there clearly is an issue there. I think that there are two parts of it as well, though. One is that we do have interim status facilities, which is the grandfather clause when RCRA was passed. We are now in the process of going through a fully permitting process for land disposal facilities and there are not any of those facilities in the country at this point in time that are operating, because we have only just come out with the final regulations and are going through new permitting. The only sites included on the National Priorities List only goes on the National Priority List, as I understand it, to qualify for federal funds for permanent remedies; is that correct?

Mr. HEDEMAN. That is correct.

Senator CHAFEE. There has been some criticism of this policy because of the sites that are not on it.

How quickly can sites be added to this National Priorities List?

Mr. THOMAS. Well, the National Priorities List was established——

Senator CHAFEE. How many are there 419?

Mr. THOMAS. 419 at this point in time, and it is out as a rule for comment prior to of establishment as a permanent rule. Actually, there was an interim priorities list before the 419—I think 115—that was the predecessor to the 419, the concept being within the statute of establishing those major sites in the country that should be cleaned up as a first priority. Given some sense of how much money was in the fund, there were many any more sites reviewed than ended up on the national priorities list.

Now, the Agency process envisions a continual review of that priority list; that it is not just a one time priorities list never to be added to again. One of the things we would anticipate is on a periodic basis, reviewing that National Priorities List to determine whether additional sites should be added.

Senator CHAFEE. Again, I suppose as you clean them up, they are off again.

Last question; what do you think about the feed stock fee as being an appropriate way to raise money? OTA has a study which deals with the waste generator fee.

Mr. THOMAS. I think—in my review of it to this point—and the OTA report, I think, orovides a lot of useful information to us—conceptually, that makes a lot of sense to say, 'Let us go with a waste generator fee.'

However, as I have looked into it, read about it, and discussed it with members of the staff I am aware that some of the States are finding it a very difficult and complex program to try to administer once it is actually put in place they are dealing with a far greater number of industries in assessing and collecting the fee. Some States have had higher administrative cost than the amount of money collected under the fee.

Senator CHAFEE. I suppose there is a danger that if you are dealing with a waste generator, you are giving him every financial incentive to dump some other place.

Mr. THOMAS. That has been one of the things that has been pointed out, the midnight dumping problem.

Senator CHAFEE. Thank you.

Thank you, Mr. Chairman.

Senator STAFFORD. Thank you very much, Senator Chafee.

Senator Mitchell?

Senator MITCHELL. Thank you, Mr. Chairman. I would like to begin with some questions attempting to define the scope of the problem.

Mr. Hedeman, what is the total number of waste sites in the country?

Mr. HEDEMAN. I can only answer that in terms of the total number that are in the inventory we now have, which is roughly a little bit over 15,000.

Senator MITCHELL. 15,000?

Mr. HEDEMAN. That is right. That does not include, for example, sites that are coming to our attention involving dioxin in Missouri.

Senator MITCHELL. So, is it fair to say that the total number of sites is something in excess of 15,000?

Mr. HEDEMAN. Yes, I believe so.

Senator MITCHELL. The National Priorities List to which Mr. Thomas referred in response to Senator Chafee's questions, I understand, it involves 419 sites.

Mr. HEDEMAN. Correct.

Senator MITCHELL. Is that list in the stage of promulgation, or is it a final list?

Mr. HEDEMAN. It is in the stage of promulgation. We received approximately—I believe it was 250 comments totaling about 8,000 pages.

Our hope is to be able to promulgate it in final form in early June.

In the meantime, we have taken the position that we can proceed at any site either through enforcement or fund financing prior to that promulgation.

Senator MITCHELL. And as Senator Chafee noted, if a site is not on the list, then there can be no remedial action taken with respect to that site. Is that correct?

Mr. HEDEMAN. That is correct. There is a category in the national contingency plan called planned removals in which we can move to essentially remove primarily the surface problem of the site even though it is not on the list, and we have a number of those underway.

Senator MITCHELL. Right.

But that means that approximately 14,500 sites or some number in excess of that are sites with respect to which, unless it involves a planned removal or some immediate response action, there can and is not likely to be any action under the existing law; is that correct?

Mr. HEDEMAN. I would have to qualify it by saying that we would not be precluded from taking an enforcement action. And second, in a number of States, those sites are being dealt with either through their own funding or, second, through state enforcement actions.

Senator MITCHELL. You say you would not be precluded from taking enforcement action. Is there any instance in which you have taken enforcement action with respect to a site not on the list?

Mr. HEDEMAN. I believe so, but I would have to ask Mr. Lucero.

Mr. LUCERO. Yes, sir.

Senator MITCHELL. How many of those, Mr. Lucero?

Mr. LUCERO. I do not have an actual count. I can submit that to you.

Senator MITCHELL. Would you do that, please?

Mr. LUCERO. Yes.

Senator MITCHELL. Mr. Hedeman, in your opinion, how many sites can be cleaned up under the current law which, as you know, is a one time, $1.6 billion?

Mr. HEDEMAN. Our current estimates that we have used in terms of developing the budget has identified 170 sites for remedial clean up operating on the assumption that the average cost per site is $6.5 million.

That may be excessively high or excessively low. Our experience is just not there yet except for about 20 sites.

Senator MITCHELL. That is your best guess?

Mr. HEDEMAN. But that is our best guess at this point.

Senator MITCHELL. So, you have a law which provides a period of time and a fixed sum of money, in your best estimate, can clean up 170 sites out of some 419 on a priorities list and some 15,000 nationally? Is that a fair statement?

Mr. HEDEMAN. Yes, sir.

Mr. MITCHELL. Do you then agree—and Mr. Thomas, I will ask you this first and ask everyone else to comment—that it is clear that the law must be extended and additional funds provided given the scope of the problem as defined in Mr. Hedeman's answers to my questions?

Mr. THOMAS. Well, before I answer that specifically, let me back up to make a couple of additions to Mr. Hedeman's comments: one, the 15,000 sites—and as he indicated, we are identifying what there would be in additional sites to the 15,000—go through a basic inventorying process that we have underway now, reviewing those sites to determine which ones are, in fact, really hazardous waste sites. There are sites that have been identified through any number of means, and we find some that, in fact, are not sites that would require any kind of clean up.

Additionally, Congress, last year, appropriated $10 million for the States to do further review of those sites as well as identification of other sites. The States will be going through a very thorough review of the sites, as well.

Now, in addition, there is the enforcement side of the program. When William Hedeman talked about the potential of 170 sites being cleaned up, he was estimating fund financing. We also anticipate a number of sites being cleaned up through enforcement actions, either private party cleanup or private party contributions to our overall clean up. I think Mr. Lucero has estimated maybe an equal number being cleaned through the enforcement.

Senator MITCHELL. But prior to 1985?

Mr. THOMAS. Within the next 3 years, yes.

Overall, what that brings us to, I think, is some estimates that appear to say that it would not be enough funding in the next 3 years either through fund-financing or enforcement, to clean up the 419 sites.

However, at this stage the experience we have is so limited it is very difficult to draw a specific conclusion as to exactly whether you are going to have enough money and, if so, how much to clean up how many sites. One of the things Congress asked us to do is to provide you with a report in 1984 as to exactly the status of that; what the experience has been at that point and what the estimates are as far as financing are concerned for the future. By that time, as well, I think we will have a much better indication of number of sites. We will have gone through the inventorying process; we will have an indication of what action States are going to take.

Senator MITCHELL. Nevertheless, what you are saying is you are not prepared to agree with the conclusion that the law must be extended and the amount of funds increased?

Mr. THOMAS. Or disagree.

Senator MITCHELL. You what?

Mr. THOMAS. Or disagree.

Senator MITCHELL. You have no position.

Mr. Hedeman, do you agree or disagree with that conclusion? I do not want to get you in trouble right off with your new boss.

You have already testified on this, have you not?

Mr. HEDEMAN. Well, said differently, I think that simple arithmetic can lead to the conclusion that there is—if the question is, is there adequate enough money in the fund to deal with cleaning up the 15,000 sites, I would have no trouble with saying no.

If the question is, what is the approach to be taken to deal with the balance, I would say that I am—or whoever—is prepared to administer whatever approach comes out of this Congress.

Senator MITCHELL. I want to ask one question, and then I am going to skip ahead of myself and come back for the moment.

One of the problems associated with the whole Superfund program has been the rather deliberate pace at which funds have been committed and cleanups have occured. I want to ask if—and I want to ask each of you to respond to this question—whether, to your knowledge, there was any policy explitly or implictly to slow down expenditures from the Superfund so that there would be money left in the fund when the law expires in order to support the preconceived notion that no extention of the law was necessary and to minimize the problem? You, Mr. Thomas, not having been there, are not in much of a position to answer that, but I would be pleased if you want to answer it.

Mr. THOMAS. I am not in a position to answer whether there was any intent to do that there. I can say there are a number of policies, as with the program, that I have under review. And I do believe there are policies there that probably need to be changed to permit a more aggressive response site cleanup.

I have no idea whether there was any malicious intent in the establishment of those policies.

Senator MITCHELL. Mr. Hedeman.

Mr. HEDEMAN. I have the personal view that there was implicit policy to at least curtail the progress of the program. Explicit, I cannot recall any explicit statement other than a view that the Agency should not support so-of-Superfund.

But from an implicit perspective, I would have to personally State that the progress of the program over the period of time that I have been identified with it may have been impeded.

Senator MITCHELL. Mr. Lucero?

Mr. LUCERO. I generally agree with Mr. Hedeman's statement. I do not have any direct instructions or knowledge of a stated purpose, as you have asked the question. There were a number of policies that slowed down the progress of expending money which, I think, we found necessary to try to work around. I would generally agree with his statement, though.

Senator MITCHELL. Mr. Brown?

Mr. BROWN. Unfortunately, that is not my area of responsibility. I am aware of nothing explicit or implicit that would support that, Senator.

Senator MITCHELL. My time is up, and I do not want to intrude on the time of the others. I intend to explore this in somewhat more detail when my turn comes around again.

Thank you, Mr. Chairman.

Senator STAFFORD. Thank you, Senator Mitchell. Senator Moynihan?

Senator MOYNIHAN. Mr. Chairman, I would like to express my appreciation to Mr. Hedeman and Mr. Lucero for their responses. They are perhaps the first candid responses we have had from your Agency in 2 years; I mean to be very clear about that. You are not at the highest level of things and should not be required to make statements that people of higher level should legitimately make, but it is perfectly clear that the Administrators—all of whom are now in hiding—have intended that there be no successor to the present Soundfund law, and I will tell my chairman and members of the committee that the administration's budget submission anticipates that the tax will expire in 1985 and there will be no extension. I think if there is going to be an extension, it is going to be because this committee means to do so.

Senator STAFFORD. As an aside, Senator, I would say that several of us intend that the Superfund do continue and that it be expanded.

Senator MOYNIHAN. You have this member of your committee behind you in that regard, but that pattern was so manifested as to be painful and difficult.

I would like for you, in that regard, to raise an example Ms. Schafer is not here; perhaps you can speak to it. Although it may seem a parochial issue, it is a symbol of all this, and that is the PCB's in the Hudson River. In one of those endless memos that we now sequence, we now come upon Mr. Robert Perry, then general counsel, now in hiding also who, on October 16, 1982, wrote to Mrs. Burford about the Hudson River and said that the discharge of the PCB's into the river over a period of years was one of the incidents that gave rise to the legislative action that culminated in the enactment of CERCLA, which is to say, the Superfund, and they knew all this, but they kept reporting to the White House; then Ms. Gorsuch to Craig Fuller on April 29, "Well, there are a lot of problems with this one," and "Congressman Solomon does not like it." She said, specifically, "The opposition of Congressman Solomon", and therefore the waters in the Hudson River can remain poisoned so far as they are concerned.

Later on, Mr. Milbauer again wrote Mr. Fuller with much the same impact as far as I am concerned. Now that they are all gone, is it possible that we could expect that you will look at such obvious questions as this one? We begin this subject with PCBs and the Hudson River and Love Canal and a few other specifics. That is what goes on here, and then what is so oainful is we find people who will not carry out the purposes for which we passed the law.

And you are familiar with this, Mr. Hedeman? Now that those people have gone, will you change your behavior? I mean not your personal behavior.

Mr. HEDEMAN. In my defense, I am prepared to respond to whatever behavior happens to emerge.

I am, again, somewhat at a loss to give you information on the Hudson River PCB problem because it was my understanding up until the latter part of December that the Agency's approach to that problem was going to be through the Clean Water Act and the specific appropriations, I believe, that had come out of that act for that.

Senator MOYNIHAN. That may come back. We had a meeting with Mr. Hernandez just 10 days before he went into hiding. He explained yes, then no, and maybe we can drop this and pick up that.

Mr. HEDEMAN. The Hudson River problem is something which neither I nor my office became actively involved in. I was instructed toward the end of December that the Hudson River problem as opposed to the Hudson River project would be dealt with under the authorities of Superfund.

Senator MOYNIHAN. Yes. They did make that distinction—they decided not to use the Clean Water Act, which we have appropriated money for.

But then it never made the list of 419 Superfund projects?

Mr. HEDEMAN. Instructions given to me and our intent is that the site would be added to the National Priorities List at the time in which the list is published and updated.

Senator MOYNIHAN. But it was not listed in December.

Mr. HEDEMAN. That is correct.

Senator MOYNIHAN. May I just put it to you, sir, and I do not mean the least bit to be abrasive or of rancorous opinion of you gentlemen, but you have seen careers ruined by the process of evading this committee and avoiding the responsibilities, not one of which you are involved with in any way. I say to you that a politically noxious set of considerations prevented your Agency from dealing with cleaning up the water of the Hudson River, and only because it is so symbolic that I raise it, and could I ask—I suppose I should ask Mr. Thomas—would this have your close attention? It is one of those things which cannot be accounted for by anything but misfeasance, in my view.

Mr. HEDEMAN. Yes.

Could I just indicate that I believe we announced the proposed National Priorities List on December 20.

Senator MOYNIHAN. Yes, sir.

Mr. HEDEMAN. It was not until the end of December that I received instructions to put the Hudson River on the list at the first update.

Senator MOYNIHAN. Right. Can I say that a December 8 listing from you to Ms. Lavelle includes the Hudson River, but if the Hudson always came 2 days too late, it was, as we say, in New York City, no accident, comrade.

I am just saying it was a symbol of the political misuse of this whole program. Can I leave this in the record and ask you to take a look at it? Mr. Thomas, you were going to say something?

Mr. THOMAS. I was going to respond to your specific request and it is that I certainly will give attention to the issue you raise.

Senator MOYNIHAN. I appreciate that very much.

Mr. Chairman, I have some questions for Miss Schafer, who is unavoidly held up somewhere, and I would like to submit them in writing to her.

Senator STAFFORD. Without objection, certainly.

Senator MOYNIHAN. Thank you very much. [See p. 67.]

Senator STAFFORD. Senator Humphrey?

Senator HUMPHREY. Thank you, Mr. Chairman.

Mr. Thomas, you are certainly welcome to refer to your colleague in responding to my questions. I understand that you have not been there that long.

I want to first focus on the cost of these cleanup programs. When I am questioning you in this area, it is certainly not expressing any opposition to cleaning up; it just seems to me that we are being unreasonably charged. We have a site in my State, as you know, in Kingston which 2 years ago EPA decided to move; sent in security; repackaged leaking containers; studied the contents of the barrels—this was a case of aboveground barrel storage—and ultimately removed the barrels, which were 5,000 in number. All of that process cost $1½ million, which works out to about $300 a barrel, which seems unreasonable to me.

Is there competition for these contracts? It seems that some of these contractors are gouging the public. Because this is a pressing issue. We all want them cleaned up, and, if necessary, at any expense, but I do not think it is necessary to do it at any expense.

Is there any competition for these contracts, and what kind of cost controls and criteria are there?

Mr. THOMAS. I will let Mr. Hedeman respond specifically, but I will say that I have begun a review with the Assistant Administrator of EPA for administration of where we stand as far as the contracts we have for our cleanup.

There is competition for a number of contracts; for others, there is not. The current policy that we have, I think, in some cases is not as competitive as we feel they could be because of the emergency situation; in others because of costing. We do have underway a review to assure that we have cost responsibility under our contracts.

Mr. HEDEMAN. Each one of the contracts for cleanup at the remedial sites on the National Priorities List is competed and the contract is awarded to the low bidder.

What we have found, however, with respect to the emergency situations is that we often have to negotiate a contract with one individual as the fires are burning in the background.

I have been particularly concerned with this situation because I believe in that situation you are at the mercy of whatever contractor happens to have the capability to come forward. So our plan is, this month, to advertise one or more national cleanup contracts for bid and essentially get the lowest price we can on these contracts and award them to national cleanup contractors who can be responsive to the various geographical areas in the country on a timely basis so that we are not restrained by having to negotiate and pay top dollar or more for an emergency situation.

Senator HUMPHREY. I think some of these outfits must be getting rich over an important situation. I hope we see some improvement. I visited that site a number of times, and it was just amazing what kind of production was made at this thing. It was like a Saturn Space venture or something, everybody wandering around in space suits with gas masks, where a few weeks before, people had been wandering around in normal clothing. It just takes forever, and they make a huge production out of analyzing barrels and getting them out of the place. It is unreasonably expensive it seems. I do not think we have to operate on the basis of whatever the cost.

Mr. HEDEMAN. Well, I have to defend that to a large extent. We are finding that at many of these sites that in addition to them being abandoned, there was not any clear pattern of putting certain barrels of wastes in certain piles. Each of the barrels contains different types of wastes, and some of them could have a very strong effect. Many of them have lab packs in them, each with its own little bag of goodies, and we have to insure that the people who are working at those sites on a daily basis are not going to be exposed in a manner that would adversely affect their health.

Senator HUMPHREY. I understand.

My second area of concern is what seems to me to be the inordinate length of time it takes to implement these cleanups at each stage of the process and of the entire process for that matter. By my staff's calculations, it often takes as much as 36 months before any kind of construction can begin, 36 months. We find that on average, regional offices in the states spend 5 to 7 months negotiating cooperative agreements. Does that seem reasonable?

Mr. THOMAS. Overall, Senator, let me make the comment that we currently are reviewing, in depth, that whole process from start to finish on a site, and as I indicated earlier, I do think some of the procedures there can be modified.

One of the things, though, I think we have to bear in mind is that we are dealing with a complex situation. Oftentimes, the full technical review of the site, and the determiniation of the extent of cleanup that would be required in various options for that cleanup is a complex process that does take time.

Additionally, it is complex in that in many of the cases, we are dealing with both cleanup options and enforcement options. The interaction of those two things often, in themselves, I think, has caused some delay in determining exactly which option should be moved at which point.

And finally, the very point you made, which is the one of contracting procedures can be time consuming. When we go forward with a cleanup, we do it with either a cooperative agreement or a contract with the State. If it is a cooperative agreement, then a State is proceeding with a contract themselves, so just the contracting process are lengthy. Our estimate of time is basically the estimate in that general area that we have been using between 36 and 44 months for completion of work at a site.

Senator HUMPHREY. I understand. It is complicated, but I do get the impression, nevertheless, that there is a lot of high bureaucracy involved; for instance, it takes 7 to 10 months for the Agency in Washington to review a cooperative agreement, at least historically. That is unreasonable, it seems.

Mr. HEDEMAN. Sir, you said 7 to 10 months to review a cooperative agreement? I really have to respectfully dispute that. It is, at best, two weeks from the time the cooperative agreement comes in from our regional office to the time that we can award it, and I really cannot point to any of them that are in this office right now that are in any way delayed.

Senator HUMPHREY. Well, I stand corrected. You are the one to know.

Incidentally, I am glad to hear that reviewing cooperative agreements is somewhat more expeditious, because I am awaiting word on one between New Hampshire and the EPA with respect to Kingston, and under the assurances which you have just given, I suppose we will have it daily.

Mr. Thomas, why cannot we give greater authority to the regional office? Would not that speed up the process?

Mr. THOMAS. I think there is potential there. Both delegations between headquarters and regions as well as delegations of authority within headquarters is one of the things we have under review, and I think there is potential.

Senator HUMPHREY. I am glad to hear that.

As I understand it, $237 million has been obligated to date. Over $100 million is for contracts managed out of headquarters, and the remaining $130 million, or thereabouts, is for cleanup.

What is involved in this expenditure of $130 million?

Mr. THOMAS. Actually, a major portion of the money is used for work at sites. For instance, it is—as Bill Hedeman mentioned, the national contracts that we have for both response actions or doing national assessments of the extent of a problem at a site are all under that $130 million.

Traditionally that includes, for instance, the work done by another Federal agency. Through interagency agreement, we are working with the Corps of Engineers and other agencies, so the $100 million is largly related to preparatory work or actual work at a site. As an example, in the Missouri situation, the indentification of sites. And there, for instance, we have had over 150 potential sites identified for dioxin. Those national contracts are the mechanism for going in and determining the extent of the problem and through testing, lab work, in moving ahead to try to flesh that out.

Senator HUMPHREY. Is it correct that it often takes 4 to 6 months for regional offices to get results back from the central lab?

Mr. HEDEMAN. From the lab, sir?

Senator HUMPHREY. Central lab, yes.

Mr. HEDEMAN. No, sir.

Senator HUMPHREY. What is a typical response?

Mr. HEDEMAN. The typical response has been reported to me as approximately 30 days.

The only delays we have encountered have been in the dioxin contamination of soils, because the laboratory capacity did not exist until recently under the contractors.

Mr. THOMAS. Also, Senator, I think it should be pointed out that we have a variety of labs that EPA operates to support the regions. Additionally, we have had contract lab support. As an example, in the dioxin problem which Bill mentioned, we have used contract labs where we felt there would be a delay by doing analyses inhouse.

Senator STAFFORD. Thank you, Senator.

Let me come back to a subject that Senator Mitchell devoted some time to, and that is the adequacy of the $1.6 billion currently in the Superfund.

I understand that there are current plans to respond to about 170 sites. I have been given to understand that the Fund may be exhausted before those 170 sites can be taken care of.

Mr. Thomas or Mr. Hedeman, could you respond to that?

Mr. THOMAS. Senator, the 170 is the estimate that Mr. Hedeman has used for fund-financed sites. We have discussed the possibility that that the fund-financed capability may not support the 170 cleanups simply because of the lack of experience that we have had at this point in developing the full extent of cost.

However, as I pointed out, the 170 would be supplemented by those sites to be cleaned up through the enforcement phase of the program. We are finding and have found private party cleanup capability as well as fund capability through enforcement. So I think 170 was an estimate used for the fund-financed portion only.

Senator STAFFORD. Let's ask Mr. Hedeman.

Assuming all 170 sites have to be cleaned up, is there, in your opinion, the possibility that the fund will be exhaused before that is done?

Mr. HEDEMAN. I suppose there is that possibility. I don't know when I can give you a time in which I can give you a definitive answer on that.

I could point out that of the 71 sites we have work underway at right now, 62 of them are involved in some form of investigation and feasibility study which will, at the end of that phase, give us a much better estimate of what the cost is for cleaning up each of the sites.

We will probably be in a position next year some time to be able to answer that more precisely.

Senator STAFFORD. All right. Let me ask you this question, then.

Mr. Thomas, you believe—I guess, based upon the advice of Mr. Lucero—that the fund can be replenished to a considerable degree through the filing of lawsuits for damages.

Assuming that is the fact, can you tell us exactly how many new lawsuits have been filed under Superfund in the last 2 years?

Mr. THOMAS. Why don't I let Mr. Lucero, basically, give us the specifics on that?

Senator STAFFORD. All right.

Mr. LUCERO. Mr. Brown.

Mr. THOMAS. Oh, OK.

Senator STAFFORD. Mr. Brown, you are going to answer this question?

Mr. BROWN. Yes, sir.

Since the beginning of 1981, 27 cases have been sent to the Department of Justice. They have filed 8 and have 20 pending on new counts.

In terms of RCRA 7003 cases that have been amended for CERCLA complaints, we have sent 24 over. Twenty-one of those are filed, and 3 are pending, so there is a total of 51 Superfund counts that are pending with the Department of Justice, 28 filed and 23 pending with them.

Senator STAFFORD. So, I guess the answer is eight new ones have been actually filed?

Mr. LUCERO. Yes, sir, and I would like to follow up on that. We have made litigation for cost recovery, a priority this year.

We have projected that at least 18 new cases should be filed seeking recovery of moneys already spent for immediate removals. There is an additional potential for 26 sites that are immediate removals. We have deferred recovery at remedial sites until the cleanup is much further along and we have a better sense of the total costs. So, we have given cost recovery a priority, and we are focusing right now on the removals where the work is completed.

Senator STAFFORD. Now let me go back, again, to another subject. It seems to me that considering the fact that one thing you assuredly could do is spend the fund money, that relatively little has happened. In 2 years, the fund has been in existence how many sites have actually been completed as to cleanup?

Mr. THOMAS. Five sites have actually had remedial action and been completed.

Senator STAFFORD. I think we have been into the question of whether or not a policy decision was made to spend no more than $1.6 billion during the life of the program.

Is that your understanding? Did I gather that from the earlier testimony?

Mr. Hedeman.

Mr. HEDEMAN. The program has been managed on the assumption that the Fund would not be expanded and therefore, the money should be conserved to achieve the authorities of the act and the cleanup through it at the maximum number of sites.

Senator STAFFORD. All right.

The Chair notes that Jackie Schafer has overcome the elements and arrived. Jackie, we would be delighted to have you bring a chair to the witness table and join your colleagues.

Ms. SCHAFER. Thank you, Mr. Chairman.

Senator STAFFORD. Since your colleagues are under oath, I assume you would be willing to be. If you would stand and hold up your right hand, I will administer the oath.

Do you swear that the testimony that you will give to this committee is the truth, the whole truth and nothing but the truth so help you God?

Ms. SCHAFER. Yes; I do.

Senator STAFFORD. Thank you very much.

Mr. Thomas, one of the policies which disturbs me is the implementation of the Superfund law in a way that, for all practical purposes, exempts the Government of the United States from its coverage. This committee sat here in this room and discussed this specific point of whether the U.S. Government should be given any special treatment and decided that it should not.

The Government, especially the Department of Defense, is a major generator, shipper, user, and disposer of hazardous chemicals and waste. The Government sold off asbestos, manufactured pesticides, dumped industrial solvents and participated in the creation of today's problems to the same extent as did the major industries of this country.

When the law was written, the committee flatly prohibited the expenditure of Superfund money for response to sites owned by the United States Government. That was so the government would be in the same position as if it were Union Carbide, Hooker chemical or any other party. The way the law has been implemented, the EPA is the watchdog for those companies, and the United States Government is the watchdog for for itself.

So let me ask you this question. If the Environmental Protection Agency knows that there is a release at a private party site, you can order cleanup, and if they refuse to respond under Superfund, then you can sue to collect treble damages; is that not so?

Mr. THOMAS. Yes. Senator Stafford.

Mr. BROWN. I am sorry, Senator. Would you repeat that?

Senator STAFFORD. Certainly.

Can you respond under the Superfund program to a site owned by the U.S. Army?

Mr. HEDEMAN. I think that has to be answered in two parts.

Senator STAFFORD. All right.

Mr. HEDEMAN. From the standpoint of using the moneys in the Fund, we are of the view that we can take removal actions, emergency actions at Federal facilities as we read the law.

From the standpoint of enforcement, which is tied into the second part of your question, I would have to ask either Mr. Lucero or Mr. Brown to respond.

Mr. **Brown**. We are faced with a situation where we are represented by the Department of Justice, and only in extraordinary cases will they allow—well, they have never allowed us—will they allow one entity of the government to sue another. The current interpretation is this would have been covered by Executive Order 12088 except for the fact that the Executive order predated the Superfund law. I am informed by my counterparts at the Department of Justice that they are exploring a revision of that Executive order that would allow us at least to have a referee mechanism under the Federal Government when one agency wishes to obtain funds from another, or causes the other one to perform some acts.

Senator **Stafford**. Can EPA issue an order requiring the U.S. Army to investigate or clean up a site?

Mr. **Brown**. We could issue an order. The question is, Senator, whether we could enforce it.

Senator **Stafford**. Then the answer is no, really, isn't it?

Mr. **Brown**. We would not be stopped from issuing the order, sir. It's just a question of our ability to get our lawyers to sue somebody if they didn't follow it.

Senator **Stafford**. All right.

Can you respond with Superfund moneys and sue for treble damages if a site is not cleaned up that is the result of Government action? I guess the answer there would be no, too.

Mr. **Brown**. There is no statutory impediment to that, Senator.

Senator **Stafford**. Has it ever been done?

Mr. **Brown**. No, sir.

Senator **Stafford**. The committee is going to make available today a list of hazardous substances and waste sites supplied to EPA by the Department of Defense. [See p. 124.] There are 69 sites on that list. I would like to ask Mr. Hedeman a question about those sites and Superfund law.

Mr. Hedeman, I know you are not responsible for the administration of policy with regard to Defense Department sites. A decision was made at OMB, we believe, by either Mr. Stockman or his senior assistants. You have been the senior civil servant in charge of the Superfund program for more than a year.

Are you confident, based on your experience, that the United States, particularly the Department of Defense, is responding to all of its sites in a way that adequately protects the public health, welfare, and safety?

Mr. **Hedeman**. My intuition is that it could move faster.

Senator **Stafford**. Would you repeat that, please?

Mr. **Hedeman**. The reason I say that is in large part the Federal Government and the Defense Department, in particular, relies on an approach that is, predicated on the budget request that it submits to OMB and that, subsequently, the Congress rules on.

I did receive yesterday afternoon a letter from the Defense Department to me, that gives the status of the sites that they are working on, and if you would like, I would be happy to submit that to you or for the record for inclusion.

Senator **Stafford**. I also received a letter from the Department of Defense dated April 4, 1983 with a report on the status of the various sites attached. Possibly it is the same report to which you referred. I will, without objection, place that letter with its attachment in the record. [See p. 113.]

Let me ask you again, Mr. Hedeman, if you will: In your opinion—and that is what we are asking for—is the Department of Defense and the Federal Government responding to the sites as listed in a way that adequately protects the public health and safety?

Mr. **Hedeman**. I can only base my opinion on certain sites that I'm aware of rather than the entire universe, but in my opinion the answer is no.

Senator **Stafford**. Thank you.

My time is up.

Senator Chafee?

Senator **Chafee**. Thank you, Mr. Chairman.

In my opening statement, I suggested that the Agency had acted in a fashion to conserve the fund and that the decisions were made based on a limited fund that would sunset in 1985.

In response to Senator Mitchell's questions, you have indicated that you thought such was implictly true, although there are no explicit instructions.

Now, you should emerge from this meeting today with, it seems to me, the clear indication from this committee that it is our intention to continue the fund beyond 1985 if the job hasn't been completed by then, and I don't think any of us expect it will be completed.

I don't want to go over what has taken place in the past, and accepting the fact that the fund will be extended, there will be additional money in the future, how is that going to affect your course of action?

What I would like to learn from you is what can we do to make this Fund succeed to a greater degree than it has in the past? This is an oversight hearing, and we are soon going to be dealing with the budget specifically.

What do we have to do? We are asking you this because if you don't respond and the Fund does not accomplish what it is directed to do—and I don't think any of us think to date it has—then surely we can hold you responsible.

What do you need? Do you have adequate trained personnel? Are there adequate trained personnel available through contractors to clean up these sites? Is the legislation adequate? Is your budget sufficient? We have an indication of some hampering factors, one of which is the travel funds that are available to you. Could you please respond to that, Mr. Thomas, and Mr. Hedeman can help?

Mr. **Thomas**. Yes, sir.

First, as I stated, Senator, I have begun and am in the process of reviewing that program to determine, I think, answers to the very questions you are raising.

In meetings with your staff, I began a discussion several weeks ago about issues that we felt legislatively that Congress could possibly correct from our point of view in the act to possibly overcome some specific issues.

I think that should continue just as it is continuing today, so I think there are some specifics there we can talk about. The resources that you raise, I think, resource requirements for the Agency is one that we currently have under review.

I have discussed with the Administrator-designate the fact that I have that under review and would hope to provide him with information and discuss that with him just as soon as he is in place in the Agency. Hopefully, we will be at a point where if there are resource requirements in the near future, we will be back to discuss that more specifically with you.

Overall, though, I think as far as the initial statement of an intent to continue the program and the impact that will have on the Agency, by Congress, I think we proceed and operate under the laws that Congress passed, you provided this law to us, and I think we can proceed and should proceed as aggressively as possible to implement it.

Within that law, there is a specific fund balancing requirement, and there is the specific cost effective requirement, and I think we have to take those into account as we proceed.

I do feel, however, that there are a number of ways—we have already talked about some of them—that we could move more aggressively to clean up the sites within the capability of the current Fund.

Senator CHAFEE. Example?

Mr. THOMAS. Example: I think we can make modifications on policies in matching funds for feasibility studies that will overcome some delays where State financing is concerned.

I think we can go back and look at some of our procurement policies in moving out on standby contractors so we can move more aggressively there. I think we can have a more efficient enforcement strategy as it relates to our financing strategy to move out on some sites and deal with others by fund-financing for cleanup.

I think we can tie together initial remedial measures with overall remedial measures to stabilize sites while we do more detailed feasibility studies for total site cleanup.

I feel within the current law there are a number of policies and procedures that we can make changes on.

Senator CHAFEE. Do you find availability of trained personnel as a handicap both within your Agency and contract personnel to clean up the sites?

Mr. THOMAS. I haven't found to date a problem with trained personnel, but that may well be because I haven't completed the full review of the program.

I would say that, for instance, the point made earlier by Senator Humphrey, that of availability of contract personnel and the timeliness of that, is something that I feel needs to be corrected, particularly on removal actions; that is, emergency situations.

I feel that the ability to have standby contractors as I had when I administered the disaster relief program under FEMA is a remedy to that, and that is to compete in major contracts for cleanup contractors, have them on standby and have them available to move out quickly when a removal action occurs.

I think there are potentials in other areas that we can explore in that regard.

Senator CHAFEE. Do you have anything to add to that, Mr. Hedeman?

Mr. HEDEMAN. Only to pick up on one point that you raised at the end of your question. I believe that I am under a serious constraint in terms of travel.

I think this particular program is different from others because we are dealing with sites and problems that require a fairly continued presence of EPA personnel. There is, as part of the Superfund program, as an example, a cadre of about 15 technical staff experts in dealing with emergencies, explosions, spills, things of that sort that are under my program and that are housed at Edison, N.J.

Their presence and assistance at many sites is, frankly, being hampered, curtailed and stopped because we simply do not have the travel money available to get them there. That, apparently, is caused by the ceiling that is placed by the Congress on our travel budget overall.

I would be less than honest if I didn't react to that point that you have raised in your statement, because, while travel continues to be a part of the overall government problem, I am finding that that is hampering, in large part, the administration of the program in terms of cleanup.

Mr. THOMAS. I think, Senator, also, Mr. Lucero had a point that he wanted to make.

Mr. LUCERO. Yes, Senator.

One other point is that we have run into some difficulties in which a number of States, particularly State's attorneys general, have made a request to us for training in terms of how to prosecute hazardous wastes enforcement cases. We have run into a problem that at least current interpretation of the statute restricts the Superfund money to cite specific work. We are not able to use a generalized pool of money under Superfund to provide that kind of a broad-based training that is not site specific.

We have had to go look for other sources of funds for that, and we have had some difficulty.

Senator CHAFEE. I think there is a danger in getting the Superfund money involved in a whole host of peripheral areas. I don't know about that specific point you made.

I would like to say this. Mr. Thomas, you are the head of this program now, and you have some able assistants. This committee is anxious to be of help to you and to get on with its job. It seems to me we have had enough time now to get all the structure in place.

I read your opening statement, and that is splendid.

But now we want to get on with the actual cleanup of the sites. We are here to be helpful, to amend legislation or attempt to amend it if it is required, but we cannot know what to do unless you, who are on the firing line, come forward and tell us. It seems to me now you and your group are on a trial period to see if you can produce. Unless you come forward and tell us what you need, we will assume that you have everything that you need. Don't come forward with some wild wish that we obviously cannot fill.

This is an oversight nearing, and there will be further oversight hearings, I am sure, that will be conducted by this committee. As we look back, we want to see some accomplishment, and if there are excuses, we are not going to accept those 1 year from now. Unless you have asked us for certain legislation or funds, we will assume that you are equipped to get on with the job.

Also, I think it would be helpful if you could report, on occasion, to this committee how you are progressing and issues that come up that you need assistance on.

Mr. THOMAS. Yes, sir.

Senator CHAFEE. Thank you, Mr. Chairman.

Senator STAFFORD. Thank you, very much, Senator Chafee.

Senator Mitchell?

Senator MITCHELL. Gentlemen, at the conlcusion of my first round of questions, I asked all of you a question as to whether or not there had been a policy in the slowdown of expenditures from the Superfund so that there would be money left at the time the law expires and, therefore, the case in favor of extending the law would be weakened and minimized.

Both Mr. Hedeman and Mr. Lucero indicated that there was, and I would ask you to describe for me the basis for your making that statement. The reason you concluded or reached that conclusion. Mr. Lucero, I think you said that there were some decisions that you had to "work around"; I think that was the phrase used.

I would ask both Mr. Hedeman, first, and Mr. Lucero to provide us with, to the extent you can, the basis for your reaching that conclusion.

Mr. HEDEMAN. One thing that has concerned me since I have been involved in this program is the difficulty that the States have had in coming up with the 10-percent match.

My office and I tried to come up with alternative schemes that we could share with the States to develop funding programs or funding support mechanisms that could get over this 10-percent hurdle.

I found that as I pursued them, was suggested that I find something else to do; that essentially, a State was going to be given the opportunity from the Fund to get 90 cents on the dollar and it should be up to them to pursue the other 10 cents in whatever way they saw fit, but that we should not take an aggressive role in attempting to help the States come up with initiatives or ideas to augment that 10 percent.

Senator MITCHELL. Mr. Hedeman, who suggested that to you?

Mr. HEDEMAN. The Administrator did.

Senator MITCHELL. Has anything further been done since then with respect to your ideas for helping the States overcome this problem?

Mr. HEDEMAN. Yes, sir. We have pursued a number of initiatives. They have been reduced to a draft manual. We are working with the National Governors Association and other groups who have a symposium in which we can share the ideas.

I personally will have a teleconference with about 15 States later on this afternoon with the National Conference of State Legislatures.

Senator MITCHELL. Would you, following this hearing, submit in writing to the committee your suggestion in that regard, together with your views as to whether or not any legislative changes could be made that would help to meet the problem?

Mr. HEDEMAN. Yes, sir.

Senator MITCHELL. Thank you.

Is there any other basis for your conclusion as earlier stated?

Mr. HEDEMAN. There was a growing concern that the number of sites in the inventory which originally were 11,000 and then moved up to 12,000, 14,000, and 15,000 may cause a problem. I was instructed by Miss Lavelle to rapid assessments of those sites, initially, by the end of this year which was totally impossible to do, in order to verify her view that most of them were not really a problem. That may or may not be the case.

I don't know at this point, but I did not feel nor did my staff feel that an accelerated review of those 15,000 sites in less than 1 calendar year could give a very accurate assessment.

She did express to me, however, a concern that the inventory could form a basis for further expansion of the Superfund program if that inventory expanded without being able to at least respond to the most serious of those sites.

Senator MITCHELL. Did she state that that was a result she did not favor?

That is the expansion of the extension of the Superfund law?

Mr. HEDEMAN. That is correct. She made that very clear to me.

Senator MITCHELL. Made that very clear to you?

Mr. HEDEMAN. Yes.

Senator MITCHELL. Any other basis for the conclusion?

Mr. HEDEMAN. I would really have to think about that. I am sorry.

Senator MITCHELL. Thank you, Mr. Hedeman.

Mr. Lucero?

Mr. LUCERO. Senator, I guess I ought to add that in addition to the current role that I have as Director of the Office of Waste Programs Enforcement, I started back in headquarters working as Mr. Hedeman's deputy, so I have some of the same senses as he did. In particular, the 10-percent requirement on the planning phase of the cleanup was a significant impediment. There had been an alternative proposal that—first of all, that issue had been raised on more than one occasion to the Administrator, and the Administrator, by way of information provided to me, rejected it on every occasion.

The approach, without the 10-percent match, would have allowed the Agency to consider initiating action, at least studies, at all of the NPL at once if it so chose and could bring the program up.

It seemed to us that we are at a number of distinct advantages for doing that: We could identify the very serious problems; we could take the emergencies if necessary; we could take the initial remedial measures to stabilize sites, but that decision had been rejected on more than one occasion, and it slowed down the ability to get projects going as Mr. Hedeman has mentioned.

Another somewhat critical one, in my opinion, was the sort of moving definition of what constituted a removal and what constituted not a removal; in other words, a remedial action.

The authorities under the removal provisions are very expansive. They require no State share; they allow us to do a number of things in terms of studies and emergency actions. My experience, particularly while I was the Deputy of Mr. Hedeman, was that it was very difficult to get an action described as an emergency or as an immediate removal.

For example——

Senator Mitchell. Whose determination was that to make?

Mr. Lucero. That was Miss Lavelle's determination.

Senator Mitchell. In other words, if I can just understand it, if something were defined as a removal, the ability of the U.S. Government to move promptly, expend funds, engage in cleanups, the authority is much broader than if it is remedial?

Mr. Lucero. I need to clarify that just a bit. There is no need for a State share. There are ceilings on the amount of money you can spend about the amount you can spend.

Senator Mitchell. $1 million in 6 months?

Mr. Lucero. Yes, sir, but those limits can be waived under certain conditions.

But an example I was getting to was a situation where we can clearly define removals or immediate removals, emergencies, in acute exposure situations, where people would likely be harmed and you would see the results immediately.

We had a great deal of difficulty of defining chronic exposure; that is, exposure that, over a longer period of time, may present a health problem as an emergency removal.

As a result, until recently, when Mr. Thomas has begun to reassess this policy, it would be difficult, for example, to get authority to go in and provide alternative water in a situation where you could tell that the levels of exposure to certain chemicals was above the level that you would want to recommend to people but wouldn't necessarily create a body count.

That has been reassessed, and I think a lot more action can be done to deal with situations where people are concerned by broadening that, what fits in that category. It is basically—while the NCP describes it, the final decision is a matter of interpretation.

Another area of some delay that I experienced on both sides of the program, both the Fund side and my side, enforcement, was requirements for additional studies and, in some cases, exposure and risk assessments for certain chemicals and that certain actions were suspect until you could present an additional quantum of proof to show a health problem.

Senator Mitchell. Suspect by whom, by Miss Lavelle?

Mr. Lucero. Generally, yes. That process was time consuming, and it frequently required us to take a component of our agency or my own staff and basically move them off one thing to get studies done to get things through.

A good example—and some of this was Miss Lavelle's general hesitancy to believe that the generally accepted levels were as dangerous as she had been presented initially; a lot of effort in cases involving asbestos, a great deal of effort in cases involving TCD; a lot of effort to get cases to move involving PCB's; those were all difficult things that slowed down the program and that, taking that collectively, it caused us a lot of effort to move through the process.

Senator Mitchell. My time is up?

Mr. Lucero. I was just going to add, in addition, I would agree with Mr. Hedeman that both the inventory process and the expansion of the NPL were both things that we recommended, particularly the NPL since it promotes not only the ability to take responsive action, remedial action, but it gives the States an additional ability to seek their own relief where, in fact, the site is listed, and we had argued for that. That had been rejected.

Senator MITCHELL. My time is up.

Let me conclude by saying that this merely confirms what has been obvious for some time, that when you put someone in charge of a program in which they don't believe, you are not going to get the result that was intended. That is not limited to the Superfund. That is human nature.

If someone is doing a job they don't think should be done, running an agency they think shouldn't exist, administering a program they want ended, they are just not going to do the job.

Mr. Thomas, what this really comes down to is commitment. You have a unique opportunity. You are like a guy coming to bat after nine people have just struck out; you hit a foul tip and the crowd will cheer.

But it really requires some commitment and belief in what you are doing. I think it is demonstrated here, and I think one of the private values of this oversight hearing is to demonstrate to you in a way that you probably know is that this program isn't just going to get up and run on its own. It is going to take someone who believes in it; who thinks it has to be done who wants to get it down and who will look for ways to do things within the law, of course, but rather than the hesitant delaying, retarding, hindering that if we don't do much, the law will expire, and I think that is what this is really all about.

You can take a lot of statistics, and I have got a lot of them that I am going to get into, but it really involves a lot of commitment on your part, and we all really hope and pray, as I think you can tell from the statements made today, that you will carry it forth, and you will use the enormous opportunity you have for good.

Senator STAFFORD. Thank you, Senator Mitchell.

Senator Moynihan, before your time starts, let me commend all you, too. I welcome Jackee Schafer back to this committee.

Jackee, we have always appreciated your long and excellent service to this committee, and it is nice to have you back here. We felt that our loss was EPA's gain when you left the committee staff.

So, welcome back.

Ms. SCHAFER. Thank you, very much, Mr. Chairman.

I know Senator Moynihan could appreciate the problem, because his shuttle followed.

Senator MOYNIHAN. I am in a position, Mr. Chairman, to tell Jackee something that she probably didn't know and needs to know, which is that for every trip on the Eastern shuttle, you get 1 year off from purgatory.

Your whole lifestyle can change just from knowing that.

Ms. SCHAFER. Having shaved off that many years, I think I still have some.

Senator MOYNIHAN. You probably will not even have to remain long and have to torment through the Reagan administration.

Mr. Chairman, I don't——

Senator STAFFORD. I am glad we are staying nonpolitical.

Senator MOYNIHAN. Our time is just about up, and I wanted to just say, continuing, if I can, just briefly within the there that you have heard a good deal about, the problems—and Jackee will understand what I am saying.

One of the problems that arose in recent years has been that of appointing persons to office with the responsibility to carry out duties they don't believe the Government ought to pursue. And it falls in a perfectly genuine conviction; This is not the proper work to do for the Government, not a proper task, but it leads to terrible conflicts.

I was just thinking in October 1981, at an oversight hearing on Superfund, Ms. Gorsuch, as she then was, came before us and we were trying to get answers out of her, and we weren't getting them. I would hope it will be recalled that without rancor, I said to her, "You know, if you cannot carry out these duties, you really ought to consider resigning because you will leave this city one day, and you will leave it with your reputation intact or your reputation in ruins," and I think you saw what happened.

I know we have that commitment from Mr. Ruckelshaus, and I am sure we have it from you. But I would like to hear it from you that there is some understanding not just in the Agency, but in the Government about what happened.

Is this too hypothetical? Do you recognize that people were given duties that they didn't believe ought to be carried out and that in a Government based on law, sooner or later, this brings about ruin?

Mr. THOMAS. Senator, I understand the point. I understand the point Mr. Mitchell made quite clearly, I think.

From my point, I would just merely say that my professional career has been one of public service, 15 years of public service, largely in positions of protection of the population.

I have tried to faithfully and to the best of my ability carry out statutes that gave me the authorities I had, I cannot remember a single one where I wasn't fully committed to the concept that underlaid that statute.

I can assure you that I will carry that same commitment into the position that I have at EPA.

Senator MOYNIHAN. I have no doubt about that, but I wanted to hear you say it so that others would know what your feeling in the matter is and we put the past behind us.

I see, Jackei, you have brought us written testimony. As you say, you are the home of one-quarter of the priority sites in the Nation, and, typically, you were the last regional director to be appointed, but we are very glad that you are there.

You didn't have a chance to give your testimony. I see that the PCB project is going to get on the priority list.

Ms. SCHAFER. Yes, that is correct, Senator Moynihan.

Senator MOYNIHAN. I wonder, Mr. Chairman, if I could just yield what time I have left so Miss Schafer could tell us what she would have wanted to do had she not for the weather, been detained?

Senator STAFFORD. She certainly may.

Ms. SCHAFER. Mr. Chairman and Senators, I welcome this opportunity to describe the details of region II's management of the Superfund program in New York State.

As you have stated my region has the distinction of being called home to 96 of the 418 sites on the national priorities list proposed by EPA in December 1982.

We worked very hard, Senator, to get into that position. According to this measure, New Jersey with 65 sites ranks No. 1, and New York with 26 sites ranks No. 4, in our efforts to identify the Nation's top hazardous waste site problems.

It is my personal ambition to be No. 1 in the Environmental Protection Agency's efforts to clean up the Nation's top hazardous waste site problems. I know I will be competing with nine other regional admimistrators who share the same ambition.

To illustrate our effort, I would like to outline the comprehensive plan that EPA and New York State have worked out in recent months to achieve this ambition. Our strategy is based on using all of the tools provided by CERCLA to achieve site cleanup. It combines remedial work funded by Superfund with enforcement efforts aimed at securing private party cleanup via voluntary or court-ordered action.

In addition to the 26 sites in New York on the national priorities list, one other to be addressed is the Hudson River PCB problem, which will be added later this spring. The paperwork for actually executing that addition has been submitted to Washingotn as a next step; 8 of the 26 sites had been included on the interim priority list issued in November 1981, and 3 more were added in July 1982.

I have included with my statement a table at the last page which breaks the sites down into three categories: enforcement; Superfund-financed remedial actions; and what we are calling remedial action master plans. It is a to-be-determined category. Working very closely with New York State's Department of Environmental Conservation, we carefully examined the unique characteristics and circumstances of each of the 26 sites before making assignments to one of these three categories.

In the enforcement category, there are three subgroups: those where the State will take the enforcement measure, those where EPA takes the enforcement lead, and responsible party action.

Six of the proposed sites, all of which are municipal landfills, have been placed in the State enforcement lead category at the request of the State of New York. These sites are already regulated as sanitary landfills or open dumps under part 360 of New York State's law. There is an added consideration that financing the cleanup of such sites would require at least 50 percent from the States considering that they are municipally owned.

EPA will closely monitor the State's progress on these sites to insure that the actions that they take are timely and appropriate.

Concurrently, on two of the six, Port Washington and Ramapo, EPA will be taking EPA's remedial action master plan as the State is currently negotiating consent orders on these sites, and EPA will be required to concur if you would like to be informed of that concurrence.

The next category is the Federal enforcement lead sites. These happen to be the ones that are owned by the Occidental Chemical Corp. located in Niagara Falls, the S area site, the 102d Street site and the Hyde Park landfill. Negotiations on the S area site, which began after an initial complaint was filed by the Justice Department on behalf of EPA in 1979, continue at the direction of the court. We are very close to settlement in this case. A complaint was also filed in 1979 in connection with the 102d Street site. Currently, EPA has a field investigation underway in preparation for the start of settlement negotiations in that case.

A settlement agreement on the Hyde Park landfill in Niagara County was signed on January 19, 1981 but was not approved by the judge in that court until April 1982 after an extensive period of public comment.

The Occidental Chemical Corp., is implementing the terms of this court ordered settlement at Hyde Park which includes further site monitoring and requisite remedial actions.

The third enforcement category is considered responsible party action. You might consider the *Hyde Park* case in that category, as well, but we are using it to characterize the facet of the Enterprise site in the Elmira, N.Y. area. There, the responsible parties signed a section 3013 order under RCRA in January of this year, and once the order is finally issued, it will have 90 days to submit a final report on the investigation to EPA to provide the basis for further actions in cleaning up this dump.

The remedial Superfund financed actions we are putting into two categories. Seven sites are slated for fiscal year 1983 Superfund financed remedial investigation and feasibility studies to determine the extent of contamination and to identify all possible alternatives for remedial action at these sites. I won't list all of those sites, but they are on the list that I have submitted. The State of New York will be submitting applications for this work this spring.

EPA has begun and, in some cases, completed remedial action master plans for all seven of the sites for whcih we expect to receive the State application for a feasibility study. Also, as you are well aware, remedial action financed by Superfund has been underway at three sites in New York, pollution abatement services in Pas-Oswego is $3 million which is essentially complete.

There will be more to do under separate and further action. Work is continuing at Love Canal. There has been $8 million obligated to that site, and, as you know, work is well along there, but of course there are going to be millions and millions of dollars more spent before that site is completely cleaned up. Also, we have begun work at the Olean Well site in Olean, N.Y.

Nine sites in the final category, and that we are including two minicipal landfills that I mentioned earlier, as well, are the subject of the remedial action master plans. The completion of these RAMP's will provide information that we need so that we can classify them as either enforcement or Superfund financed cleanup candidates.

That covers the 26 sites that are on the list. There is, in addition to that, work underway for preliminary assessments for the about 1,000 sites which New York——

Senator MOYNIHAN. 1,000 in New York State?

Ms. SCHAFER. Yes, that New York has in this larger group of 15,000 that Mr. Hedeman mentioned earlier. This is part of the data base in EPA's ERRIS, Emergency and Remedial Response Information System. In New York 400 of those 1,000 sites have already been subjected to an initial screening, and the State of New York and EPA are going to combine resources for the rest of this fiscal year to look at another 400 of the remaining 700.

EPA's field investigation team, which is financed out of the general account for the Agency, will conduct 200 of these assessments. State funds will be used to complete another 100 assessments. The final group of 100 assessments will be carried out utilizing the appropriation under section 3012 of the Resource Conservation and Recovery Act. New York gets $667,000 as a share of that $10 million appropriation. These assessments will indicate whether further action is required, and, has some bearing on the question that you had earlier about the future of this program.

That, in general, is an overview of how we are carrying out the program.

Senator MOYNIHAN. That, in general, is the kind of thing we like to hear. It shows this job is doable if you get persons such as yourself who will do it.

Thank you. I want to thank you very much, Jackee. You have been very reassuring, and it is a refreshing change.

Ms. SCHAFER. Thank you, Senator, for your support for this work. I'm sure without it, we wouldn't be this far.

Senator STAFFORD. Senator, if you desire to ask a question or two, the Chair would certainly allow you time.

Senator MOYNIHAN. No, Mr. Chairman.

Senator STAFFORD. Let me come to a final question on dioxin. Mr. Thomas, there are many questions being asked this morning that you cannot answer based on your personal knowledge, we realize.

But I think you can personally attest to the facts in this question. Two years ago, a Ralston Purina Co., discharged dioxin gas into the sewer system of Louisville, Ky., a gas which exploded, causing about $18 million in damage. The President authorized the Federal Emergency Management Agency to provide assistance, and you are or have been the head of that Agency, are you not, on loan to EPA?

Mr. THOMAS. The Associate Director of that Agency and then the Executive Deputy Director of that Agency, but as an Associate Director, I was specifically responsible for the disaster at Louisville.

Senator STAFFORD. Since then, the officials of Ralston Purina have entered a plea of guilty to a four count indictment entered into by a Federal grand jury; am I correct on that?

Mr. THOMAS. That is my understanding.

Senator STAFFORD. Section 107 of the Superfund law imposed strict liability on those who release the hazardous substances for the damages they have caused, and I quote, "Any other necessary costs incurred by any other person consistent with the national contingency plan."

As I read this language, Ralston Purina appears to be clearly liable to the United States for the $12 million. Yet this committee has been told that no lawsuit has been filed to collect this money.

Can you indicate to us whether or not this is true, and if it is, tell us why there has been no suit against Ralston Purina?

Mr. THOMAS. I will give you a general answer to that, Senator. I have discussed with the attorneys at FEMA the status of that case. I would indicate to you that there is ongoing active litigation on that case. There are a number of parties involved.

The Federal Emergency Management Agency is the lead Federal Agency working with the Department of Justice as far as Federal interests are concerned, and there have been ongoing discussions with EPA concerning that case since—I mean concerning that situation since it began, as you indicated, about 2 years ago.

Basically, the local sewer district, in this case, as well as the city of Louisville, to a certain extent, and the State, have proceeded with litigation against Ralston Purina. There basically was an agreement entered into between FEMA and those to seek to recover all the funds. The entities just named as well as the Federal Government have agreed to share in any judgment for pro rata share based on the amount of money they each put up on the recovery effort.

That litigation is being monitored closely by FEMA and the Department of Justice. I know for a fact that there is a continued discussion at this time between the Department of Justice, FEMA, and EPA about whether it would be necessary to enter into the case in a different manner and whether we should proceed to use some of the authorities under CERCLA, specifically, the one you just noted.

Senator STAFFORD. Thank you. Thank you, Mr. Thomas.

I guess we need to ask that question of the Department of Justice, probably, why there has been no lawsuit over a 2-year period where the facts seem to suggest so clearly that Ralston Purina is liable for $12 million. Would you agree with that?

Mr. THOMAS. I think the Department of Justice is obviously the agency that would bring that litigation and would be the proper party to respond. However, I think part of their response would reflect the kind of things I just stated, because there has been a fairly close relationship between the Federal Emergency Management Agency and the Department of Justice and the State and local parties that have brought suit.

Senator STAFFORD. That concludes the questions that I have. I am about to yield to Senator Mitchell.

But I think I would like to reiterate what Senator Chafee said. That basically, this committee is here to see that the Superfund is carried on; if necessary, to make changes in it that you, who are the professionals involved, suggest would make it work more efficiently. We believe that it will need to be extended. We need your advice, however, on that and on the question of the size of funding in the future.

We want to help make sure that the law we created carries out the purpose that we had in mind when it was born here in Congress. There now is about to be a major change in command at EPA. We think that will be for the benefit of the Agency and the country.

Just changing the command will not cure the problems we have unless there is also a redirection of the Agency's effort under whom we anticipate will be the new Administrator. That will be the important thing, to see that there is a change of direction and that to come back to what Senator Mitchell has said, an enthusiasm on the part of the new Administrator to see that the law is carried out as we have written it and as we in the Congress intend it to be carried out fully to the American people.

Senator Mitchell?

Senator MITCHELL. Thank you, Mr. Chairman.

Mr. Thomas, I want to refer to your statement and ask a couple of questions about that. If you would look at page 7, the first line of the third paragraph where you were discussing the new policy on feasibility studies, the statement reads, "We are implementing a new policy, and I notice during your oral remarks, you said "We are reviewing a new policy."

Was that a deliberate change to reflect that you are not certain about the policy?

Mr. THOMAS. No. It's not that I am not certain about the policy. It's that I wasn't certain exactly what stage of implementation it was at.

No; I feel that that is definitely an appropriate policy.

Senator MITCHELL. I see.

Are you concerned that this will slow down a process the principal criticism of which up until now has been that it has been too slow?

Mr. THOMAS. That is a concern we talk about as we have gotten to the review of that, but I would just like to make a point, if I could, and then Gene Lucero would, I think, probably want to amplify a little bit. The basic problem, I think, that I faced, since I have been there in looking at some specific settlement has been that I want to insure that there is a sound technical base for settlement.

In other words, have we looked at the extent of the problem and the extent of the cleanup that is going to be required from a technical point of view to ensure that I have got a good, solid technical base to negotiate from?

Senator MITCHELL. How is that done now?

Mr. THOMAS. Pardon?

Senator MITCHELL. How is that done now?

Mr. THOMAS. It has been done in the past with less than what I would call a full feasibility study that we would do under, say, a fund-financed effort. That is not necessarily bad in every case, but in some cases I feel like that you haven't had the full extent of the technical knowledge needed to negotiate a final settlement that, in turn, would assure not only total cleanup but incorporate the going operating and maintenance requirements of a full-site cleanup.

So that is, I think, part of the background on the practical application of trying to deal with a policy like this.

Actually, in some respects, it may speed things up. If we have proceeded immediately to go forward and get this kind of technical background done, you won't be into the situation that I have seen in some cases where we move forward with negotiation to a point where it appears we are not going to be able to complete that negotiation for whatever reason in a manner that is appropriate to all parties. Therefore, we decide that we have to move with fund-financed action but we haven't completed the full technical review for a full-financed response—and we have a delay.

So it's a pulling process that I think this would straighten out and actually, in that regard, it would speed up the process rather than slow down the process.

Gene.

Mr. LUCERO. Yes, sir, I would like to follow up.

The policy has been put in place orally both at headquarters and in the regions, and there is a document which I have myself, signed and which I am waiting for my counterpart in the attorney section that supports us to sign which states that, as a written policy—and I believe he may have signed it. If not, he will be signing it on Monday. But we have been operating under this policy for nearly 2 months.

The reason we have gone to that, to amplify just slightly, is that we were finding that the enforcement discussions, that is, giving notice to the parties of a potential liability and asking them a question about whether they wished to do the cleanup, we were taking a long period of time in that the negotiations repeatedly came back to, "We will consider doing the work, but what is it that you want us to do?"

Initially, our position was, "We want you to do the study."

Well, now we have concluded that we can do the study and then have that discussion in a very short period of time without this prolonged, somewhat disjointed process.

Senator MITCHELL. How long a period of time would you estimate would be fair to evaluate whether or not this policy does, in fact, speed things up or slow them down?

Mr. LUCERO. I think we are seeing already that it is speeding things up.

However, the time period we will probably need to get a good assessment of it will be to take those sites which have been going forward against this policy and see how we do.

The remedial investigations and feasibility studies take from 6 months to a year, and then we set up or have requested from between 60 days to 120 days at the end of the feasibility study to talk to the parties about completing the cleanup.

So I would estimate somewhere between, 8 to 10 months, maybe, 14 to 16 months we will have some real experience as to how fast we can move with the studies being available before we talk to the parties. Our sense is and our experience already is that it is going to make a big difference.

Senator MITCHELL. Would you, then, 12 months from now provide us with a written report on your assessment of how this policy has worked with particular attention to the question of whether or not it has speeded up and not slowed down the course? I think it has a surface plausibility, and it may well be the right thing to do. I'm a little bit concerned about the problem of further delaying something, and I understand what you are saying that you think it will speed it up. I would like to get some kind of an assessment of it after that period of time?

Mr. BROWN. Senator?

Senator MITCHELL. Yes, Mr. Brown.

Mr. BROWN. If I could address that from a litigation standpoint. This type of study is indispensible to us before the court, because otherwise the judge is likely to order someone to go out and do an uncertain task. Regardless of what the program needs are for this, it is virtually indispensible if we are going to proceed with litigation.

Mr. LUCERO. I will provide that, Senator.

Senator MITCHELL. Right.

I would like to, now, Mr. Thomas and Mr. Lucero, both, if you would look at page 6 of Mr. Thomas' statement, the first full paragraph in which you provided some statistics regarding the number of cases referred; Senator Stafford has already, in his questioning, established that of those referred, eight new cases have been filed under this law by the Department of Justice.

I would like to get down to the last sentence there in which you refer to 42 settlements.

Mr. Lucero, I received from the staff a copy of a document entitled "Settlements", which is 3 pages, identifying each of the 42 settlements that Mr. Thomas referred to.

Do you have a copy of that there? I would like to refer to that in questioning.

Mr. LUCERO. Yes, sir.

Senator MITCHELL. So that I may fully understand this, you identify each site by number and by name. You then have a column entitled, "Type of Action," and there appear to be different abbreviations there: One is D.C., referring to consent decree; one is C.A., referring to consent agreement, and one is A.O., referring to administrative order; is that correct?

Mr. LUCERO. Yes, sir.

Senator MITCHELL. As I understand it, consent agreement refers to a circumstance in which the EPA enters into an agreement with one or more parties to engage in the cleanup of a site.

Mr. LUCERO. Yes, sir.

Senator MITCHELL. But that agreement, then, is free standing in the sense that it is not incorporated; it is not brought before a court and incorporated in a judicial order; nor is it incorporated in an administrative order issued by the Administrator; is that correct?

Mr. LUCERO. Yes, sir.

Senator MITCHELL. The second category, consent decree, would be the same circumstance of an agreement but would differ in that it would be taken into court and approved by a court in what is called a consent decree; is that correct?

Mr. LUCERO. Yes, sir.

Senator MITCHELL. The advantage of that, presumably, is that if a party to the agreement then fails to meet its obligations, you don't have to begin from scratch in a court proceeding. You then merely need to go to court and force the preexisting consent decree; is that correct?

Mr. LUCERO. Yes, sir.

Senator MITCHELL. All right.

The third category is of administrative order and is somewhat the same thing as the consent decree, except that it has not gone before a court, but it is an administrative order issued by the Administrator; is that correct?

Mr. LUCERO. In this case, by the Assistant Administrator for Solid Waste.

Senator MITCHELL. All right, with authority delegated from the Administrator?

Mr. LUCERO. Right, yes, sir.

Senator MITCHELL. All right.

Now, a further advantage of the incorporating or embodying of the voluntary agreement within the administrative order is that under the law, if the EPA wants to collect treble damages in a circumstance in which Government funds have been used for cleanup as a prerequisite to the action for treble damages, there must have been an administrative order issued; is that correct?

Mr. LUCERO. Yes, sir.

Senator MITCHELL. Under those circumstances, would you explain to me what advantage there is in entering into a consent agreement; that is, the first type mentioned and not in each case going, taking that agreement and proceeding to a consent decree or an administrative order?

Mr. LUCERO. I would like to say this at the beginning: That our preference, which I think you may share, which is that we would first prefer a consent decree. Failing that, we would look to an administrative order on consent, and only in circumstances in which there are good reasons, which I will describe in a minute, do you want to look to a consent agreement?

Historically, in the beginning of the hazardous wastes enforcement program, there was a period of time when there was a perception, both at headquarters and in the regions, that consent agreements were an acceptable mode.

From 1981 to the beginning of 1982, we have been trying to move away from any perception that that would generally be the case, but there are some instances where it makes sense, it may make sense, and we have made decisions on this basis where the party is willing to agree to do something more than what we think we could compel it to do under either an order or under a consent decree. I give as a specific example the Rose Park agreement which was for $1 million expenditure for a study and some work which, in our opinion, was the decision of the responsible party there to do work which we couldn't have compelled them to do under the law.

The consent agreement, which is what we preferred, since it was essentially a pure volunteer action, as far as we were concerned, that made sense in the circumstances at that site.

The other category where we were willing to consider consent agreements was where the performance that is required of the responsible party can be done in a very short period of time, most specifically, in the instance where the obligation is to pay money, on the theory that if the monetary payment is to occur immediately or shortly after the signing of the agreement, if it is not complied with, we haven't lost much time; we know the performance can be done.

Those are the basic instances where we would continue look to a consent agreement.

On an administrative order and on a consent agreement, both, we have become quite concerned about the lack of an apparent third-party review, and we have been giving serious thought to requiring such review at least in the administrative order. We would prefer between a consent agreement and an administrative order, the administrative order—in part because of the treble damage penalty requirements. But we are giving serious thought to requiring a provision of review by the community of affected citizens; in other words, a public meeting, where they would have the opportunity to comment on the proposed remedy, the proposed solution.

It would be set up in such a way that if the comnunity reaction was hostile, if it was perceived as not being a good deal, that EPA would have the unilateral ability to void the consent order and move to the next stage of enforcement action.

We think it is important to get that third party look where preferable or where possible.

Senator STAFFORD. Would the Senator yield to me for just a second?

Senator MITCHELL. Yes.

Senator STAFFORD. I think I should make the observation that without objection, we are going to reserve the right of all Senators on the committee the opportunity to submit questions in writing to the panel, and we would ask for your early response to such questions as may be asked.

Is that agreeable to all the members of the panel?

Mr. THOMAS. Yes, sir.

Mr. BROWN. Yes, sir.

Mr. LUCERO. Yes, sir.

Senator STAFFORD. Thank you.

Senator MITCHELL. Thank you, Mr. Chairman.

I am encouraged by your response which indicates a moving toward, to the extent possible, accepting limited and narrow circumscribed litigations on consent agreements supported by any enforcement mechanism and toward consent decrees.

I think that makes a good deal of sense.

On this list, Mr. Lucero, of the 42 actions that are listed here as settlements, in each case, you have listed the date or action, and by that, I assume you mean the concluded action, the consent agreement, the consent decree or the administrative order.

Is that correct—let me further explain—as opposed to the date of commencement of action?

Mr. LUCERO. That is the date of settlement, sir.

Senator MITCHELL. The date of the settlement?

Mr. LUCERO. Yes, sir.

Senator MITCHELL. All right.

Now, I would like to know what the date of commencement of these actions are. Presumably, this first 11 listed occurred in fiscal year 1981, if the settlement occurred in fiscal year 1981, is it a fair assumption that the commencement of the action itself occurred well prior to that?

Mr. LUCERO. Yes, sir. I am not saying how much. It is difficult.

Senator MITCHELL. I am sorry, Mr. Lucero. I didn't hear you.

Mr. LUCERO. If I understand your question correctly, sir, it was, did we commence the action or the discussions with the——

Senator MITCHELL. The proceeding.

Mr. LUCERO [continuing]. The proceeding?

Senator MITCHELL. Yes.

Mr. LUCERO. Well, before the settlement.

Senator MITCHELL. That is right.

Mr. LUCERO. The answer would be a case-by-case response. I think generally there are categories. Some would have been fairly quickly. I cannot say right offhand—I know that there are some listed here where the responsible parties approached by the Government and said, "We would like to do it."

The Government had an answer to the proceeding.

I know there are instances where the settlement was the result of not only discussions but the initiation of a court proceeding that had proceeded for some time, so there is no one answer. It is a number of different answers.

Senator MITCHELL. Obviously, if you enter into an agreement voluntarily or—on this 1st page of 19 of them, 18 are consent decrees, a court approves an agreement between the Government and certain private parties.

It is fair to assume that they are preceding; that there was some period of time in which the matter came to someone's attention; was the subject of discussion; was the subject of negotiation; was reduced to writing and then was brought before a court.

Mr. LUCERO. Yes, sir.

Senator MITCHELL. All right.

What I would like to have you provide me is, on this list, another column which is the date on which the proceeding commenced in whatever form it commenced. You file the lawsuit; somebody came up to talk to you about it; you initiated an action; in whatever variety of forms these actions have commenced.

Do you understand the point I am making?

Mr. LUCERO. I understand it, and I will do it as soon as we can.

Senator MITCHELL. All right.

Thank you. I assume that would not be too burdensome a thing to do, because somewhere in your file you have got a first letter or a first communication or something to start the proceeding going.

Mr. LUCERO. I would generally say it shouldn't be that difficult, although in 1981, I discovered that a number of people who worked on some of those cases are not around and there may be one or two that would take a little longer.

Senator MITCHELL. I would like to go to the question of enforcement resources. As I understand it, Mr. Lucero, the funds for your operation are included within the total budget under the Superfund.

Mr. LUCERO. Yes, sir.

Senator MITCHELL. Although that money comes from the Superfund, the bulk of which is derived from a fee or tax paid by the producers, it requires an appropriation, a budget request by the Agency and an appropriation by we, in the Congress, is that correct?

Mr. LUCERO. Yes, sir.

Senator MITCHELL. All right. As I understand it now, the administration has requested, in its fiscal year 1984 budget, a total of $310 million; is that correct, Mr. Thomas?

Mr. THOMAS. Yes, it is.

Senator MITCHELL. Which is an increase of $100 nillion over the fiscal year 1983 request of $210 million.

Mr. Lucero, what portion of that $310 million is designated for enforcement?

Mr. LUCERO. In terms of budget for—I just want to make sure I have got all the figures—approximately, of the part that I am responsible for, about $17 million.

Senator MITCHELL. $17.5 million. And in the course of preparation for the budget, do you submit a request to a higher authority for each budget year?

Mr. LUCERO. Yes, sir. The way it normally works is I develop our budget—I should note, so it is kept in line, that that represents, that figure I gave you represents the salary and expenses and contract support for the technical development of cases.

Mr. Brown's office has the responsibility for the budgeting of the resources for the attorneys, but just so you know that, I submit my budget assessments to Mr. Thomas who makes certain priority decisions and presentation decisions who then forwards them to an Agency comptroller who will then organize the presentation to the Administrator for decisions.

Senator MITCHELL. Mr. Brown, what portion of that $310 million would be allocated to your operation?

Mr. BROWN. Well, the entire general counsel and enforcement counsel portion of the Agency has roughly $26 million of which barely $1 million is any kind of contract funds, so, approximately $25 million, supports the people.

That would support 589 and a fraction of what they call full-time equivalents.

Senator MITCHELL. That is not just Superfund, though, is it?

Mr. BROWN. No, sir, that is the whole Agency. We don't have people who are regionally marked as Superfund. I can give you an idea for waste, because you have to understand, sir, we have to use non-Superfund money for RCRA. It is very hard in some sites to split them, if it is only on Superfund interest. Our best estimate for the budget is it is approximately 162 of the total 585 positions that go to waste enforcement, that is both Superfund and RCRA, sir.

Senator MITCHELL. Let me get right to the point that I am moving toward, and that is, what has gone on previously in EPA that has been of most serious consequences insofar as I am concerned have been the actions with respect to the budget. Essentially, a budget, the national budget represents a determination by the American people from Congress of what their priorities are. The President, a couple of weeks ago, went on national television and discussed the defense budget and said, in effect, to the American people that, "you can measure our commitment to the defense and security of our Nation by the level of funding which we are prepared to devote to it."

By that standard, the proposed level of spending to be devoted to the Environmental Protection Agency demonstrates until now a total lack of commitment, in my judgment. I am not asking you to agree or disagree with that, but I am making this point: That I want to know whether you feel that the amount of money in this budget for enforcement is adequate, sufficient to do the job that needs to be done.

This is sort of a specific follow-on of Senator Chafee's general request. Mr. Lucero first and Mr. Brown second.

Mr. LUCERO. Right.

Senator MITCHELL. I am not trying to put you on the spot, Mr. Lucero. I understand you are a team player, and you are part of an organization, and we understand that. But we have a situation here where things have not been done, and they have got to be done, and we have to find out and make a judgment as to why they have not been done and how they should be done.

Mr. **Thomas**. Senator, if I could make a judgment, is that we have begun a review, as I indicated in the beginning, of overall resource programs in the program area. I began that as soon as I was appointed to EPA. I have asked Mr. Lucero and Mr. Hedeman and other parts of the Agency as to whether they feel we have adequate resources to carry out the full intent of the program or whether there are shortfalls, so they are in the process of going through that review to make a determination, on my part, and on the part of the Administrator designate, when he comes in as Administrator, as to whether additional requests should be made to the administration, to the Congress of additional resources in this program as well as in other programs.

Senator **Mitchell**. Let me just say on that score, Mr. Thomas, I told Mr. Ruckelshaus that in my judgment, he is an able, dedicated, independent person. He is in a very unique and favorable position. The President needs him a lot more than Ruckelshaus needs this job, and he can pretty much call his own shots. It is one thing to say you are going to enforce the law as written. That is so elementary, it is amazing that we need this reassurance, but the critical thing is this budget, not so much with respect to the specific program we are discussing, because the fact of the matter is this money does not come out of the budget. The requests here have not been for dramatic reductions.

In other areas of the EPA's budget, the requests have been more dramatic which—and I am now expressing my opinion—are wholly; inadequate to complete the Agency's task and will really relate when we see what the new budget requests by the new Administrator are, the level of commitment and independence that have been previously described. You can talk about independence, and you can talk about commitment, but as the President himself said on television a couple of weeks ago, you define it and you measure it by the amount of money you are willing to commit to it, and the amount of money that has been proposed up until now has been totally inadequate for the task and consistent with the attitude Miss Lavelle described heretofore which is essentially, "let us do away with this thing."

Now you are in a different category. Yours is the only part of the whole agency, the only significant part in which a significant increase has been proposed. That is a good sign. It is for reasons unrelated to the substance of the subject matter under your jurisdiction, but it is a good sign, nonetheless, but within that, though, there may be some critical areas and enforcement is a critical area. Not wanting to intrude on your relationship to make it difficult for these fellows, I would like to know myself: Do you feel that the amount of money that you have described is adequate to do the job?

I know it puts you in a tough spot, and it puts Mr. Thomas in a tough spot, but we have got to get to the facts here and find out what we ought to be doing on this budget.

Mr. **Lucero**. Well, sir, what I am doing is what Mr. Thomas suggested: was putting together areas, both for my part of the program and coordinating that with Mr. Brown's part of the program where, if it is the choice of the Administrator or the choice of Mr. Thomas, there are some things that we could accelerate; there are some things that we could do more of, and there are some things where we are remiss and perceive a need for. And using the opportunity, I have brought those to his attention. If he is inclined, as I believe he is, I am sure he is going to give those serious attention.

Senator MITCHELL. All right. What I am really saying, Mr. Thomas, is we want to have the EPA's budget written by the EPA and not the OMB. That is really what we are talking about.

Your answer, Mr. Brown.

Mr. BROWN. I am in my 19th year of career Government service, most of which has been in prosecuting or regulating. I have never had as many people or dollars as I have wanted, Senator. I give you that as background. Taking part in the process that Mr. Thomas has described, I have given my ideas to Ms. Courtney Price, who is the Acting Assistant Administrator for Legal Counsel. They will be reviewed very carefully, and she will receive that information. It will go up to the Administrator of EPA, and I am sure those idea will go to Mr. Ruckelshaus when he comes in.

Senator MITCHELL. My question is not in the abstract. It is not based on supposition. I have before me a transcript of a hearing held before the House Subcommittee on Oversight and Investigations at which Mr. Perry testified. I do not know if you have seen this or not. Presumably, Mr. Brown, you are familiar with it, testimony regarding the memorandum to Mr. Perry from Mr.—and I cannot tell whether it is Q-u-r-e——

Mr. BROWN. Kurent.

Senator MITCHELL [continuing]. Kurent—the level of resources available for enforcement. And the first sentence quoted—I cannot tell from this transcript whether it is the first sentence of the memorandum—said the resource shortfalls reached crisis proportions at present staffing levels in this division which is defined as the hazardous waste enforcement division can reasonably be expected to accomplish only a fraction of the high priority time consuming responsibilities assigned to it and are being carried out by this office.

It goes on in similar language which is very disturbing. In fairness, Mr. Perry then explained that part of that was to the many requests for information from the House committees, and I am sure you could say that your sitting here takes away from the time you could be down there doing your job, but that is a very disturbing memorandum. If you have not seen it, I encourage you to look at it. Presumably, Mr. Brown and Mr. Lucero are familiar with it and the testimony.

There is an attitude that the law has not been enforced. The fact of the matter is you can demonstrate your commitment in a very simple, tangible way by coming back and asking for some supplemental budget authority. There is absolutely no disposition on the part of this committee and I doubt very much in the Congress or in the administration given the current state of affairs in this area to turn you down. I am not suggesting that you waste; I am not suggesting that you ask for things that you cannot use. But I am suggesting that this is a unique window of opportunity to have a meaningful budget in the area of environmental protection and to have vigorous meaningful enforcement action that has support from the Congress, overhwelming support for the American people and now, because of the course of events, will have to have support from the administration, because there is one thing the President is going to want to do in the next year is to prove to the American people that he really is for protecting the environment. And if anybody thought until now that they were doing him a favor by not enforcing the laws, it is now obvious that if you really want to do the President a favor, Mr. Thomas, you will push this law, enforce this law, clean up the waste in this country.

Your review of the budget, in my view—I may be the only one here that thinks this—will be the determining factor in the extent of your commitment.

Mr. **Thomas**. I understand, Senator.

Senator **Mitchell**. Mr. Lucero, I only have one more question. Because it is late and you fellows have been here for a long time. I do not want to keep you. I want to ask you to answer this in writing: it is a legal point and it involves the use of covenants not to sue. You have a policy which I gather from reviewing the memoranda issued by Mr. Sullivan previously and some of yours not to issue a covenant to sue except in cases where the total amount of potential liability has been determined so that you know what the whole scope of the problem is and that you do not let off Company A and B for what will later prove to be a fraction of the total amount. Is that correct?

Mr. **Lucero**. Yes, sir, generally.

Senator **Mitchell**. I would like to have you provide me in writing a statement of that policy, assuming I have stated it correctly; if not, you state it correctly, and describe specifically those cases in which it has been implemented, and I want you to pay particular attention to the Seymor settlement in which, as you know, one of the criticisms is you issued such orders to not sue, in effect, releasing from responsibility a large number of the parties involved before you were aware of the total potential liability or, nevertheless, acted contrary to the stated policy in such cases.

Mr. **Lucero**. I will provide the answer in writing as you requested. But on the *Seymor* case, I would like to point out that we did have an estimate which had been done under contract with one of the Superfund contractors for an estimate of the total cost of cleanup of both the surface and the ground water at that site. And then we had a proposal that was made to us for a complete cleanup of the surface which took care of that component. We had an estimate made of the ground water contamination, and in order to protect the Government in that one—and I would be willing to discuss that with someone on your staff to show how it was done—a great deal of additional cost was added on through treble price factors and a builtin protective cost, and we told the parties that if they wished to take advantage of a one time offer, it would be against the Government's figure, which we set up and which we got the state of Indiana to agree would be protective of the total most likely cost of cleanup at that site.

There is a strong feeling on the part of the parties who were left—and I would point out there were 104 parties that entered into no agreement whatsoever and which will probably—some fraction of that will probably be subject to a lawsuit—that had the capacity to do all of the remaining work regardless of the cost.

In addition, I would note that there is strong feeling on the part of some of those parties that the costs of cleanup for the ground water component is substantially less than the Government's proposal, and there is a serious effort to see if they can take on that responsibility.

Senator MITCHELL. I see. So your answer, in short, is that you acted there consistent with your policy, not contrary to it.

Mr. LUCERO. Yes, sir.

Senator MITCHELL. I would like to make just one concluding remark, Mr. Lucero, directed basically to you. There has been a lot of discussion before this committee and before the House committees about the whole strategy of litigation versus negotiation. I am not going to repeat everything I said at the hearing in which Miss Lavelle testified, but it is obvious that there was a stated policy and an attitude of trying to negotiate all of these things out.

You have to make a judgment, obviously, based on individual cases. There can be no general rule stated that will apply everywhere. I just want to say to you that I have spent most of my adult life involved in law. I have tried hundreds of cases. I have presided over a lot of cases. The way you get people's attention is to bring an action. If you have a policy of negotiation you are just not going to get anywhere unless there is some credibility, and the credibility comes from bringing someone into court; winning a case; forcing someone to pay for something. And litigation and negotiations are not mutually exclusive. They are, indeed, highly complementary, and in most areas of the law, you get a better settlement; you get more meaningful negotiations if you are involved in litigation at the same time. I know you are moving in that direction. I think it is clear that this earlier approach has not produced the results that are desirable. I do not want to suggest that you should now forget negotiations and that you are just going to bring suit. That is a matter of judgment, and you are always going to be subject to second guessing, and I am sure you realize that by now. But I just think that as a general matter, most of these are large corporations that are going to act on the basis of their selfinterest and their self-interest alone.

You are going to get their attention, and you are going to get them to act if you pursue vigorously, very vigorously, the remedies available, and I would specifically urge more use of the administrative order and the treble damage action where that is appropriate.

Mr. LUCERO. Senator, I could not agree more with you, and, in fact, I think the problem, unfortunately, with some of Miss Lavelle's statements is she gave an opinion of where the enforcement program was under Superfund, but I do not know if it was justified. I think until, I would estimate, the middle of 1982, there was a widespread sense that negotiations was all that was acceptable and for that matter, a large number of cases have been involved. They were filed cases; action had not proceeded for a number of reasons, but that would be one. The effort that we put in or that I was engaged in, Mr. Brown was engaged in after the middle of 1982 was trying to structure that process; while it still made sense to do it, was to structure it.

The one agreement that everyone made about how to proceed was that we would not negotiate without the threat of litigation or another enforcement action, including administrative order.

Some of the changes on the remedial investigation and feasibility study are part of an overall strategy, but we generally agree that we cannot negotiate without that kind of threat. I would just like the record to represent that if you count up what we are projecting as enforcement actions, not just litigation, but enforcement actions, administrative orders or where we are in some stage of litigation or some stage of negotiation, we estimate that we will be dealing with 99 sites under our current budget this year and that in next year, 1984, I should say, we are estimating 150 sites that we will be actively involved in some enforcement action, and I agree with you that not every case deserves litigation at the way to approach, and that is what we have been trying to develop.

I would be happy—as I am sure Mr. Brown and others would be—to keep you advised on how we are trying to refine that policy as we go along.

Senator MITCHELL. I would like to know that. I wish you all luck, and we look forward to some meaningful results consistent with this law and on behalf of the American people.

Thank you all very much for your participation in being here.

Mr. THOMAS. Thank you.

Senator MITCHELL. Thank you.

This hearing is adjourned subject to the call of the Chair.

[Whereupon at 1:04 p.m., the committee recessed subject to the call of the Chair.]

STATEMENT OF
LEE M. THOMAS
ACTING DEPUTY ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

APRIL 8, 1983

Mr. Chairman and members of the committee, I am Lee M. Thomas, the Acting Deputy Administrator for the Environmental Protection Agency. During the time I have been at EPA, I have begun an in-depth review of the various programs within the Office of Solid Waste and Emergency Response, including the Superfund program. I have discussed the status of this review with the Administrator-designate and he has indicated that if confirmed by the Senate he will give high priority to any changes necessary to ensure this program is administered effectively. I believe our discussions today should mark the beginning of a renewed commitment by the Agency to candidly review both our progress and our concerns about impediments to implementing this vitally important statute with its authors in Congress. I would like to briefly review with you today three areas of concern: the status of Fund-financed actions, enforcement activities, and fund status.

The implementation of this major piece of environmental legislation has required a working relationship between the Federal Government and the States for response actions; extensive consultation and cooperation among Federal agencies; and a system of accountability to the American taxpayer for the efficient and effective management of Fund monies that finance removal and remedial actions. In the first two years of this program, the Agency concentrated its efforts on building the necessary management systems, developing a strong policy and regulatory framework, and initiating the field planning activities required for responsible decisions on site remedies. Milestones during this time included establishment of a Superfund program office within two months of passage of the statute; design of automated data systems for site inventory and project tracking; development of a comprehensive financial management and accounting system to support cost recovery efforts as well as enhance program management; design of a hazard ranking system to prioritize site response; award of major contracts to support the field activities of the emergency, remedial and enforcement aspects of the program; proposal of the National Priorities List of 419 sites for remedial action; and health and safety training programs for regional and State employees involved in actual response actions.

The Agency has continued to implement the emergency or removal authorities provided in the Superfund act. This aspect of Superfund has not received a great deal of national attention but it is the area in which we can achieve the most immediate results. It is important to note that in removals the Federal Government can act alone. By the end of March, a total of 119 removal actions had been approved for implementation by EPA or the Coast Guard; of these, 99 have been completed and over $26 million has been obligated to date. Total surface cleanup has been completed at 62 sites. These are sites in addition to those on the priority list for remedial action. For 48 sites on the priority list, we have had to step in on an emergency basis. In short, EPA has not hesitated to exercise the emergency authorities provided by the Act to protect public health and the environment.

For long term or remedial action, the Agency is compiling a growing record of work underway. As of the end of February, in excess of $70 million has been obligated for remedial actions; these include 62 feasibility studies, 18 designs, 14 remedial actions and 15 initial remedial measures. This has required entering into 42 cooperative agreements and 36 contracts.

Certainly, one of the critical elements in Superfund is the close relationship between the Federal and State Governments in response actions at abandoned hazardous waste sites. Congress designed an active role for the States as well as the Federal Government in response at these sites. While it is true that the Federal Government has a large trust fund at its disposal, Congress nevertheless also required States to contribute financially as well as in other ways to these actions. States are required to give three assurances in order for a remedial project to move ahead:

1. Assurance of 10 percent share of the costs for remedy at a privately-owned hazardous waste site; if that site is publicly owned, that State share may exceed 50 percent of the total cost of response.

2. If required for site remedy, the State must provide an adequate, off-site permitted hazardous waste facility for disposal of site wastes.

3. Finally, the State must assure the continued operation and maintenance associated with any response action at a site.

While there is general agreement on the need for State involvement from the outset of a project, the difficulty that States would have in meeting these requirements may not have been expected; nor were the impact and delays that these would cause for the cleanup efforts at Superfund sites foreseen.

Let me give you a few examples. The first assurance required from a State, that of the cost-share, is known to the States at the time that sites are nominated and scored for the National Priorities List. Only 22 States have a continuing established fund to cover such remedial actions, although these States do have two-thirds of all sites on the National Priorities List. In the remaining States, independent legislative authorization is needed for the required State match at each site. Obviously, this can be a lengthy process and one that may not be concluded by the time the money is needed.

The second assurance, that of an adequate off-site disposal facility, is also one in which we are running into unforeseen problems. For example, any cost effective remedy for the dioxin sites in Missouri that requires the excavation and disposal of contaminated soil must await the identification by the State of a permitted hazardous waste disposal facility. At present there is no facility that can accommodate large amounts of soil with high levels of dioxin contamination. Certainly, one of the things we are pursuing with the State of Missouri, in addition to our efforts at relocation, is the need for a disposal site.

The third assurance, that of continued operation and maintenance of a remedy, agains presents problems unanticipated by the Congress and the Agency. These stem from the complexity of the physical and environmental problems at these sites, and the uniqueness of such problems. As the Agency began to investigate each of these sites more closely, it became apparent that at many sites ground water is most probably affected by the contamination. Indeed, in almost 400 of the 650 sites that were scored for the National Priorities List, there were observed ground water releases; 328 of the proposed 419 sites were placed on the National Priorities List based on their ground water scores alone. Naturally, the seriousness of the ground water contamination is increased when the ground water is used for public water supply. The problems encountered by the Agency in investigating and remedying these sites revolve around the fact that ground water is an unseen resource that cannot easily be traced, much less diagnosed. We find that it is necessary to monitor and sample ground water over a number of seasons, possibly for as long as a year, before we have complete information about the extent of contamination and the direction of its movement. Considering that the state-of-the-art technology to treat ground water is extremely expensive, the Agency believes it is worthwhile to take the time necessary in the study stage to adequately understand the problem and the potential effects of any remedial action before committing Superfund money. While examining remedial alternatives for groundwater contamination is time-consuming, the capital costs to cleanse an aquifer can be very high and the operation and maintenance costs may also be great and extend for many years. Accordingly, some States have been reluctant to provide even the limited matching funds required to study and evaluate alternative remedies.

Let me turn now to the CERCLA enforcement program. The strong enforcement authorities of CERCLA, appropriately implemented, will augment the Hazardous Substance Response Fund by securing private-party cleanup where it is possible to do so in a timely fashion. In addition, the Agency will recover expended CERCLA monies, where feasible, to reimburse the Trust Fund and to be used for additional removal and remedial responses. Preliminary assessment estimates suggest that several hundred million dollars can be recovered through 1988. Additional funds may be available for recycling into the Fund as the Agency expands the use of unilateral administrative orders with their treble damage potential.

In order to help further the goal of supplementing the Fund through enforcement action, the Agency has referred 29 new CERCLA cases to the Department of Justice to date. In addition, the Agency has amended 24 existing RCRA section 7003 "imminent hazard" cases to include CERCLA counts. So far, Agency enforcement efforts have resulted in 42 settlements worth an estimated $150 million in private-party cleanup, financial contribution to Goverment-funded response, or recovery of CERCLA funds.

We are now classifying the 419 National Priority List sites according to the categories of "Fund-Financed Cleanup (with no enforcement activity)," "Enforcement Action (with no Fund-Financed Cleanup)," and "Fund-Financed Cleanup (with enforcement action for cost recovery)." Given the large number of sites that must be addressed over the next three years, it makes sense for the Superfund remedial and enforcement program components to focus their efforts on different sites to the maximum feasible extent. We intend to reserve joint enforcement and Fund-financed activity for a smaller number of sites for which enforcement prospects are good, but where the public interest also suggests the need for prompt remedial response.

Once final classifications are made, the remedial and enforcement offices will be able to address more sites with less duplication of efforts.

I am evaluating the Agency's experience in implementing the CERCLA enforcement program to date, and believe some changes in procedures can enhance the prospects for effective and timely enforcement.

One area where modifications appear necessary is in the practice of seeking "pre-litigation" settlements with responsible parties. Experience indicates that the prospects for obtaining sound settlements are enhanced when the government has firm estimates of the dimensions of the problem and proposed remedial solutions ready to "lay down on the table."

Therefore, we are implementing a new policy whereby the Agency will normally undertake the remedial investigation and feasibility study (RI/FS) prior to negotiating with responsible parties. The negotiations will begin only after the studies have been completed, i.e. the finished study will serve as the basis for negotiations with the responsible parties.

The negotiations for design and construction will then proceed under firm deadlines which will be strictly adhered to. Responsible parties will be given the opportunity to completely implement or pay for the total remedy. If the negotiations are not successfully concluded within the specified period of time, either the Fund will proceed with total site cleanup (and the responsible parties will be sued for cost recovery under section 107) or a section 106 enforcement action — either a civil referral or a unilateral administrative order — will be initiated for site cleanup.

The approach of postponing negotiations until after the RI/FS has been completed has three major advantages:

1. It assures that the remedial alternatives are adequate to protect public health and the environment.

2. It assures that negotiations will not drag out over a lengthy period of time since both the Agency enforcement representatives and the responsible parties will know at the outset both the dimensions of the problem at the site and the remedies we want them to design and implement.

3. It also assures that — should negotiations prove unsuccessful — site work will be able to quickly proceed with either Fund-financed cleanup or section 106 enforcement efforts since the necessary planning work will have already been completed.

Finally, a brief review of Fund status. Our current estimates of Fund status show that, as of the end of February 1983, the Fund had total receipts of approximately $580 million. The Agency has obligated over $255 million, leaving an unobligated balance in the Fund of almost $325 million. The 1984 budget request for Superfund reflects an increase of 48 percent over 1983 levels and an increase in resources for site cleanup of nearly 55 percent. It is anticipated that expenditures will peak towards the end of the statutory time period for the Superfund program. A simple explanation for this is the Agency anticipated moving into the more costly design and construction phases of projects in the years 1985 and 1986. The first few years of the program have been devoted to building the necessary policy and regulatory framework on which to base actions and the development of feasibility studies required to diagnose the problem at the sites. Therefore, requests for Fund appropriations for these years are expected to be substantially higher in order to complete work on those sites which can be cleaned up within the overall amount of money available within the Fund.

I wish to thank the committee members for this opportunity to appear before you to outline some of the major issues still facing us in implementing the Superfund program. I would be more than happy to take any questions from the committee at this time. Thank you.

Statement of
Jacqueline E. Schafer
Regional Administrator
U.S. Environmental Protection Agency
Region II
before the
United States Senate
Committee on Environment and Public Works

April 8, 1983

Mr. Chairman and Senators, I welcome this opportunity to describe the details of Region II's management of the Superfund program in New York State.

As you know, my Region has the distinction of being called "home" to 96 of the 418 sites on the National Priorities List proposed by EPA in December, 1982. According to this measure, New Jersey with 65 sites ranks Number 1, and New York with 26 sites ranks Number 4 in our efforts to identify the nation's top hazardous waste site problems.

It is my personal ambition to be Number 1 in the Environmental Protection Agency's efforts to clean up the nation's top hazardous waste problems. And, I know I will be competing with 9 other Regional Administrators who share the same ambition.

To illustrate our combined efforts, I would like to outline the comprehensive plan that EPA and New York State have worked out to achieve this ambition. Our strategy is based on all the tools provided by CERCLA to achieve site clean up. It combines remedial work funded by Superfund with enforcement efforts aimed at securing private party clean up via voluntary or court-ordered action.

In addition to the 26 sites in New York on the National Priorities List, one other to be addressed is the Hudson River PCB problem, which will be added later this Spring. Eight of the 26 sites had been included on the Interim Priority List issued in November, 1981, and 3 more were added in July, 1982.

I have included with my statement a table which breaks the sites into three categories: (1) Enforcement; (2) Superfund-financed Remedial Actions; and (3) Remedial Action Master Plans. Working closely with the New York State Department of Environmental Conservation, we carefully examined the unique characteristics and circumstances of each of the 26 sites before making assignments to one of the three categories.

ENFORCEMENT

Within the Enforcement category, there are three subgroups: State Lead, Federal Lead, and Responsible Party Action.

Six of the proposed sites which are municipal landfills have been placed in the State Lead subgroup at the request of the State because of the requirement that the State contribute at least 50 percent of clean up costs for municipally owned sites. EPA will closely monitor the State's progress on these sites to ensure that actions taken are timely and appropriate.

EPA will begin Remedial Action Master Plans (RAMPs) for two of the municipal sites, Port Washington and Ramapo, since the State is currently negotiating consent orders on the sites and EPA will be required to concur with the course of action that the State and municipality agree upon.

Three sites owned by the Occidental Chemicals Corporation are classified as Federal Enforcement sites: the S Area Site, the 102nd Street Site, and the Hyde Park Landfill.

Negotiations on the S Area Site, which began after an initial complaint was filed by the Justice Department on behalf of EPA in 1979, continue at the direction of the Court. A complaint was also filed in 1979 in connection with the 102nd Street site. Currently, EPA has a field investigation underway in preparation for the start of settlement negotiations.

A Settlement Agreement on the Hyde Park Landfill in Niagara County was signed on January 19, 1981. The Occidental Chemicals Corporation is implementing the terms of this court-ordered settlement which includes further site monitoring and initial remedial actions.

Responsible Party Action is underway at two sites. Facet Enterprises, Inc. signed an order under Section 3013 of the Resource Conservation and Recovery Act (RCRA) on January 19, 1983 by which it agrees to implement an EPA-approved hydrogeologic site investigation. Once the order is formally issued, Facet will have 90 days to submit a final report of the investigation to EPA.

REMEDIAL SUPERFUND ACTIONS

Ten of the New York sites are included in the remedial action group which includes two subcategories: Feasibility Studies and Remedial Actions.

Seven sites are slated for fiscal year 1983 Superfund-financed remedial investigation and feasibility studies to determine the extent of contamination and to identify possible remedial alternatives for each of the sites. The seven sites in the Feasibility Study category are: Marathon Battery; Sinclair Refinery; Kentucky Avenue Wellfield; Vestal Water Supply; Brewster Wellfield, Wide Beach Development; and York Oil.

New York State will submit applications for Cooperative Agreements on the seven sites to EPA during the Spring. EPA has begun preparation of Remedial Action Master Plans (RAMPs) for all of the seven sites scheduled for feasibility studies. The RAMP is a first step or phase during which all existing information on a site is compiled and the types of data needed for ensuing remedial investigation and feasibility studies are identified. We have reviewed drafts on all the sites slated for feasiblity studies except Wide Beach and have targeted May 1983 as the date for completing all seven RAMPs.

Remedial Action financed by Superfund is underway at three sites: PAS-Oswego; Love Canal; and, the Olean Well Fields. Approximately 11.5 million Superfund dollars have been obligated for remedial action work at these three sites and work will continue through this fiscal year.

REMEDIAL ACTION MASTER PLANS

Nine sites (including the two municipal landfills) are scheduled for preparation of Remedial Action Master Plans during fiscal year 1983. RAMP preparation is scheduled for Ludlow Sand and Gravel; Fulton Terminal; Mercury Refining; American Thermostat, GE Moreau Site, Solvent Savers, and the two municipal landfills, Port Washington and Ramapo. The RAMP for the Hudson River PCB problem is already underway. Completion of RAMPs for these sites will provide the information we need to classify them as Enforcement or Remedial Action candidates.

PRELIMINARY ASSESSMENTS

In addition to the work we are doing on the Superfund sites in New York, we have also reached an agreement with the State on a schedule for completing preliminary assessments of 1,018 sites which have been identified as potential hazardous waste sites in the State. Three hundred sites have received preliminary assessments. EPA and the State will combine resources to complete assessments on 400 of the remaining 700 during fiscal year 1983. EPA's Field Investigation Team will conduct 200 assessments and State funds will be used to complete 100 assessments. The remaining 100 assessments will be carried out utilizing an appropriation of $667,000 made available to the State under Section 3012 of the Resource Conservation and Recovery Act. These assessments will indicate whether further action is required.

I think EPA has made substantial progress in implementing the Superfund program in New York State. I am committed to continuing that progress by moving as rapidly as possible to address all of the sites on the Priorities List.

NEW YORK STATE SUPERFUND MANAGEMENT PLAN

I. ENFORCEMENT

A. State Enforcement (6)

Syosset Landfill, Syosett
Old Bethpage Landfill, Town of Oyster Bay
Niagara County Refuse, Town of Wheatfield
Batavia Landfill, Batavia
Port Washington Landfill, Port Washington*
Ramapo Landfill, Town of Ramapo*

B. Federal Enforcement (3)

S-Area, Niagara Falls
102nd Street, Niagara Falls
Hyde Park, Niagara Falls

C. Responsible Party Actions (1)

Facet Enterprises, Elmira

II. REMEDIAL SUPERFUND ACTION

A. Feasibility Studies (7)

Marathon Battery, Cold Springs
Sinclair Refinery, Wellsville
Kentucky Avenue Wellfield, Horseheads
Vestal Water Supply, Town of Vestal
Brewster Wellfield, Brewster
Wide Beach Development, Brant
York Oil Company, Moira

B. Remedial Actions (3)

PAS, Oswego
Love Canal, Niagara Falls
Olean Well Fields, Olean

III. REMEDIAL ACTION MASTER PLANS (8/6)

Ludlow Sand and Gravel, Clayville
Ramapo Landfill, Town of Ramapo*
Fulton Terminals, Fulton
Mercury Refining, Colonie
American Thermostat, South Cairo
Port Washington Landfill, Port Washington*
GE Moreau Site, South Glens Falls
Solvent Savers, Lincklaen

Honorable Daniel P. Moynihan
United States Senate
Washington, D.C. 20510

Dear Senator Moynihan:

I am writing to transmit my written responses to the seven questions you raised at the April 8 hearing of the Committee on Environment and Public Works concerning the status of the proposed Superfund sites in New York State.

Attached to my letter are three tables which detail the current status of the various sites in New York. The tables respond to your first three questions. Narrative responses to questions four through seven follow.

I am sending a copy of my letter to Chairman Stafford so that this information might be included in the April 8 hearing record.

Your continuing support for EPA's efforts is greatly appreciated.

Sincerely yours,

Jacqueline E. Schafer
Regional Administrator

Attachment

cc: Honorable Robert T. Stafford
Chairman, Senate Committee on
Environment and Public Works

I. Timetable and cost estimates for remedial actions at New York sites with signed cooperative agreements (CAs).

PAS - Oswego - CA signed 3/12/82 for $3,333,334

Activities include:

-surficial cleanup - started 6/82, completed 11/82;

-subsurface study - started 11/82, estimated completion date 6/83.

Future activities and expenditures will be based on results of study.

Love Canal - CA signed 7/14/82 for $6,995,000 Amended 9/82 for $892,500 based on EPA recommendations from monitoring study results.

Activities include:

-construction of cap and wall - started 12/82, estimated completion date 11/83;

-study of off-site contamination pathways including sewers, creeks, soil - started 12/82, estimated completion date 8/83;

-development of monitoring system to measure effectiveness of remedial actions started 2/83, estimated completion date 9/83.

Future work and expenditures will be based on results.

Olean - - CA signed 1/20/83 for $500,000

Activities include:

-RI/FS* - estimated start 5/83, estimated completion 1/84

Future work and expenditures will be based on results of studies.

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* RI/FS = Remedial Investigation/Feasibility Study

II. Status of Remedial Action Master Plans (RAMPs)

	Start	Estimated Completion	Contractor*	Cost
	(1983)	(1983)		
Ludlow Sand & Gravel	April	August	NUS/sub	$25,000
Ramapo Landfill	April	August	NUS/sub	$25,000
Hudson River PCBs	April	August	NUS/sub	$90,000
Fulton Terminals	May	September	NUS/sub	$25,000
Mercury Refining	May	September	NUS/sub	$25,000
American Thermostat	May	September	NUS/sub	$25,000
Port Washington Landfill	June	October	NUS/sub	$25,000
GE Moreau Site	June	October	NUS/sub	$25,000
Solvent Savers	June	October	NUS/sub	$25,000

* Work to be undertaken by prime EPA contractor, NUS Corporation, or subcontractor.

III. Timetable and estimates for sites with cooperative agreements applications expected in FY 83

	Draft State Application Submittal	Cooperative** Agreement Signing	Estimated Cost
	(1983)	(1983)	
Marathon Battery	April	July	$400,000
Sinclair Refinery	April	July	$600,000
Kentucky Avenue Wellfield	May	August	$350-400,000
Vestal Water Supply	May	August	$400,000
Brewster Wellfield	June	September	$300-500,000
Wide Beach Development	June	September	$300-500,000
York Oil Company	June	September	$350,000

** All agreements will cover remedial investigation/feasibility studies. RAMPs underway or scheduled for all sites as appropriate.

IV. Status of Negotiations - Facet Enterprises

As a result of a meeting between Facet Enterprises and EPA Region II regarding the inclusion of the Facet Enterprises Elmira Plant site on the Superfund Interim Priorities List, Facet contracted with the Radian Corporation to prepare a hydrogeologic investigation of the site. A draft proposal was submitted to EPA on March 26, 1982. The final revised proposal, which Facet has now committed itself to implement, was submitted on June 14, 1982. On January 19, 1983, after negotiations regarding the language of the order, Facet signed a Section 3013 Administrative Order (on Consent) under the Resource Conservation and Recovery Act to implement the Radian proposal.

The signed order was forwarded to EPA-Headquarters for approval on February 16, 1983 and signed by Lee Thomas on April 8. Within 90 days of the effective date of the order, Facet must submit a final report describing the results of the hydrogeological investigation.

V. Litigation on S-Area and 102nd Street

These are two of four Hooker Chemical sites (the others being Hyde Park and Love Canal) that were the subject of lawsuits filed in U.S. District Court, Western District of New York on Dec. 20, 1979 alleging inter alia, imminent and substantial endangerment as defined by §7003 of the Resource Conservation and Recovery Act.

Status of S-Area: On December 10, 1982, the Department of Justice, at EPA's request, filed a motion seeking permission to file an amended complaint and to pursue litigation on the grounds that irreconcilable differences had developed during the negotiations. On December 20, 1982, the Court rejected EPA's request for a trial date and ordered resumption of the negotiations. On May 16, EPA informed the Judge of its intention to perform a Remedial Investigation/Feasibility study at S-Area using CERCLA. The Judge ordered the parties to report back on June 7.

Status of 102nd Street: Active negotiations are not yet taking place; remedial means are being considered by an EPA contractor.

VI. Sinclair Refinery Status

The New York State Department of Environmental Conservation submitted a draft application for a cooperative agreement for the Sinclair Refinery site in Wellsville on April 19. The application requests funding for an initial remedial measure to stabilize the eroding bank of the landfill in addition to longer term studies. The draft application is being reviewed concurrently by the EPA Region II and Headquarters Offices. Under the terms of the proposed agreement, the State will have the lead for pursuing all remedial activities.

VII. Hudson River PCB Problem

PCB deposits in the upper reaches of the Hudson obviously have the potential to contribute to the sediment burden in New York Harbor. However, what is questionable is the degree to which this source adds to the PCB contamination problem, particularly when one considers the 100 mile distance, as well as the mechanisms for PCB transport in this waterway.

The decision not to precisely model the transport of PCBs to New York Harbor was based on several facts, namely:

1. Sediment PCB levels in Upper and Lower New York Harbor, which average 1.0 mg/kg, are not uniformly distributed, nor are they significantly different from findings in other inland estuaries adjacent to large metropolitan areas. (National Academy of Science, 1979)

2. Two sediment sampling studies conducted in 1976 and 1981 by EPA Region II, which are summarized in the EIS, did not demonstrate a definitive PCB gradient from the "hot-spots" to New York Harbor; thus, suggesting other contributing sources to the sediment PCB burden.

3. Studies and/or reports by Bopp, 1981, and most recently NOAA, 1982, demonstrate that PCB sources to New York Harbor are many and variable, i.e., wastewater discharges - raw and treated (40%); storm and urban runoff (7-9%); tributaries, including the Hudson (40%); atmospheric (2-15%); landfill leachate (2%). These data support EPA's position that while the hot-spots may have contributed to the problem, the percent contribution from this source is likely minor in comparison to others. This is not to infer that the problem of PCBs in the upper Hudson should, or will not be addressed. Removing 30 percent of the PCBs, as restricted by Section 116 because of the dollar limitation, would probably benefit limited up-stream segments of the River, however it would not demonstrate the recovery of a national waterway, nor likely measurably change the concentration of PCBs in New York Harbor sediments.

EPA has been working closely with the Corps of Engineers in evaluating trends and results of toxicity testing. Review of sediment data from ten recent dredging projects throughout the harbor have ranged in concentration from 0.10 ug/g (dry) PCB in Ambrose Sand to 4.05 ug/g in the Bronx River. Only three areas showed concentrations greater than 2.0 ug/g (2.03 ug/g for Yonkers, 2.64 ug/g for the Passaic River, and 4.05 ug/g for the Bronx River (NYU Medical Center, 1982). Clearly, neither the Bronx nor Passaic Rivers are significantly influenced by the Upper Hudson River PCBs.

Senator Gordon J. Humphrey April 19, 1983

Additional questions for Mr. Lee Thomas, Acting Deputy Administrator, Environmental Protection Agency, on Oversight of Superfund

1. Mr. Thomas, during the formal hearing, either you or perhaps Mr. Hedeman made the statement that on average clean ups under Superfund take from 36 to 44 months to complete. This is a long period of time, and frankly I am wondering just where all the time goes. Hence, in order to gain a better understanding of the process and to determine how the time is spent, I make the following request:

Please submit for the record a timetable of actions showing the process followed from the time that a hazardous waste site is initially placed on the National Priority List to the time that long-term operations and maintenance begins. Please include within this timetable a breakdown showing the amount of time required on average for each step in the process if: (a) the state involved elects to take the lead on the clean up, and; (b) the state asks EPA to take the lead. It would also be helpful to include figures on the total amount of time required through all phases of the process for: (a) negotiation of cooperative agreements by the states and EPA Regional offices; (b) review, concurrence, and approval of the cooperative agreements by EPA headquarters, and; (c) studies to determine the nature and extent of the hazardous waste site in question, and the possible alternative solutions.

2. Mr. Thomas, please supply documentation to support the statement made by Mr. Hedeman during the hearing to the effect that it takes the Superfund office in Washington two weeks to review and approve cooperative agreements.

Question

What is the timetable of actions from the listing of a site on the National Priorities List to the beginning of long-term operations and maintenance?

Answer

A typical response time at a site can vary. Some sites are much larger of complex that others. Many of our site response actions are broken into operable units to accelerate earlier cleanup of part of the site. Average project times are summarized below:

Time to Complete Projects

Phase	Typical (Months)
Project Start • Remedial Action Master Plan • Authorization to Proceed • Procurement of Engineering Services	5-7
Remedial Investigation/Feasibility Study	10
Remedy Selection	4
Design (includes procurement)	9
Implementation • Procurement of Contractor • Construction • Facility Acceptance	14
Total	44

Question:

Mr. Thomas, please supply documentation to support the statement made by Mr. Hedeman during the hearing to the effect that it takes the Superfund Office in Washington two weeks to review and approve cooperative agreements.

Answer:

The procedures for approving and funding final cooperative agreement applications in Headquarters involve two distinct steps. The first step is for staff in the Superfund program office to review the technical scope of work and the supporting budget for completeness and accuracy and by Office of General Counsel staff for legal sufficiency. Upon completion of this review the necessary Funding Order and Commitment Notice are prepared and are signed by the Assistant Administrator for Solid Waste and Emergency Response. As Mr. Hedeman indicated in his response this step normally takes two weeks.

Once the AA for OSWER has approved the funding documents, they are submitted to the Headquarters Grants Administration Division where the application is reviewed for completeness, for conformance with the Agency's General Grant Regulations (40 CFR30), and for preparation of any Special Conditions and of the Cooperative Agreement "Offer of Award". The normal time required for this step is two weeks. However, in many instances this two week period has been reduced considerably by providing our Grants Administration Division staff with "advance copies" of the appropriate documents so that activities can be performed concurrently.

U.S. Department of Justice

Land and Natural Resources Division

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Robert T. Stafford
Senate Hart Building
Room 133
Washington, D.C. 20515

Dear Mr. Chairman:

In response to a request by your staff to the Environmental Enforcement Section, I am providing the following hazardous waste statistics. The statistics are current as of March 15, 1983 and are reflected on a fiscal year basis.

As of January 20, 1981, there were a total of 59 cases pending under the Resource Conservation and Recovery Act ("RCRA"), 51 of which had been filed. Since January 20, 1981, the Environmental Protection Agency has referred a total of 11 RCRA cases to the Department of Justice: 4 in 1981, 7 in 1982, and none to date in 1983. Since January 20, 1981, the Department has filed twelve RCRA cases: 7 in 1981, 3 in 1982 and 2 in 1983. Of the 7 remaining cases, EPA has or will withdraw 6 cases and EPA is now reviewing the final matter to determine if it wishes to proceed. Since January 20, 1981, the Department has entered 14 complete and 4 partial settlements in RCRA cases.

Since January 20, 1981, the Department of Justice has received 26 referrals from EPA which request amendment of RCRA cases by adding claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") to existing cases. Of these 26 requests, 8 referred a §106 claim, 1 referred a §107 claim, and 17 referred both §§106 and 107 claims. In twenty-three of these 26 referrals we have added the requested CERCLA claims, and 3 are still pending. EPA has referred a total of 30 new CERCLA cases to the Department of which 8 have been filed. Of the 22 remaining cases, 4 will be filed shortly, 2 will be settled shortly, 12 are CERCLA Section 107 cost recovery actions for which EPA has promised to document its cost expenditures, 1 is under evaluation at EPA, 1 is under evaluation at the Department, and 2 were returned to the Agency. Since January 20, 1981, the Department has entered 3 complete and 5 partial settlements in CERCLA cases.

For your convenience, I have included a list of the filed cases and the settled cases. I would be happy to provide you with further information. I have provided Congressman Florio with the same statistics.

Sincerely,

Carol E. Dinkins

Carol E. Dinkins
Assistant Attorney General
Land and Natural Resources Division

Enclosures

SETTLEMENTS
(1/20/81 - 3/15/83)

RCRA Cases

1. Bridgeport (all)
2. Ciszar (all)
3. Dusek (all)
4. Energy Systems (all)
5. Fike Chemical (all)
6. Fisher Calo (p)
7. Gulf Coast Lead (p)
8. Hooker (Hyde Park) (all)
9. K.C. Coatings (all)
10. Ken Industries (all)
11. Lancaster Metals (p)
12. Laskin (all)
13. Li Pari (all)
14. Occidental Chemical (all)
15. * Petro Processors (p)
16. Spectron (all)
17. West (all)
18. 2001 (all)

CERCLA Cases

1. ABM-Wade (p)
2. Chem-Dyne (p)
3. Duracell (all)
4. SCRDI (p)
5. Seymour (p)
6. Solvents Recovery (p)
7. Velsicol (all)
8. Vertac (all)

* This is a stipulation which only requires defendant to undertake emergency work to maintain the status quo.

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all - complete settlement
p - partial settlement

CERCLA AND RCRA
FILED CASES AS OF MARCH 15, 1983

CERCLA Cases *

1. A & F Materials
2. Chemcentral - Detroit
3. Chem-Dyne
4. Conservation Chemical
5. County of Hillsborough
6. Crystal Chemical
7. Duracell
8. Hardage, Royal
9. Holder
10. Hooker (Love Canal)
11. Hooker (S Area)
12. Johns Manville
13. Liquid Disposal
14. N.E. Pharmaceutical
15. New Castle County
16. Olin
17. OMC
18. Ottati & Goss
19. Pacific Hyde & Fur
20. Petro Processors
21. Price Charles
22. Reilly Tar
23. Seymour Recycling
24. Solvents Recovery Serv. of N.E.
25. South Carolina Recycling and Disposal
26. Triangle Chemical
27. Velsicol
28. Vertac
39. Wade
30. Ward, Robert
31. Westinghouse

RCRA Cases

1. Aidex
2. Energy Systems
3. Environmental Waste Removal
4. Gold Coast Oil
5. Johns Manville
6. K.C. Coating
7. Lancaster Metals
8. Lehigh Electric
9. Monochem
10. NEOSHA
11. Velsicol
12. Western Processing

* The "CERCLA Cases" include both RCRA cases to which CERCLA claims have been added and new CERCLA cases.

Question: Please provide a list, together with any other information available, of each release or site of which the Environmental Protection Agency has knowledge in which the government of the United States (or any agency thereof) is the owner, operator, generator, or otherwise responsible party.

For each of these releases or sites, please state what action, if any, the government of the United States has taken. State specifically whether a release or presence of site has been reported; whether planning and analysis is underway; whether engineering and design has begun; or whether a remedy, response or removal is underway.

Response:

Attached please find two lists in response to this question. The first contains all notifications received under Section 103(c) of CERCLA of Federal facilities. The second lists sites associated with the Federal government on the proposed National Priority List.

Under Section 111(e)(3) of CERCLA, the Trust Fund cannot be used for remedial response actions at these sites; or other sites owned by the Federal government for that reason, EPA has not initiated any action at these sites and does not plan to do so. To date, EPA has not undertaken any removal action at Federal sites.

The Department of Defense does have a detailed list of their sites, proposed actions and estimated costs; this may be obtained from Colonel Pete Daley, Director, Environmental Policy, Department of Defense, (202) 695-7820.

OFFICE OF EMERGENCY AND REMEDIAL RESPONSE

DATA MANAGEMENT BRANCH

Compiled from 103(C) Notification Data Base (NOTIS)

on

1/14/83

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION I

EPA I.D.	SITE NAME	SITE CITY
CT4170022020	U S NAVAL SUBMARINE BASE-NEW LONDON	GROTON
MA0210020939	U S ARMY BUILDING 243	WATERTOWN
MA0570024026	U S AIR FORCE	CHICOPEE
MA2170024259	U S NAVY	CHARLESTOWN
MA2570024487	U S AIR FORCE-HANSCOM AIR FORCE BASE	OTIS AIR FORCE B
MA7210025154	U S ARMY-WAREHOUSE 1650(STORAGE)	FT DEVENS
MA8570024424	U S AIR FORCE-HANSCON AIR FORCE BASE	LINCOLN
MA8570024424	U S AIR FORCE-HANSCOM AIR FORCE BASE	BEDFORD
MA8570024424	U S AIR FORCE-HANSCOM AIR FORCE BASE	LEXINGTON
ME3971524324	U S DEFENSE FUEL SUPPORT-PT SEARSPORT	SEARSPORT
ME4971590001	U S DEFENSE FUEL SUPPORT-PT CASCO BAY	SOUTH HARPSWELL
ME7170022019	U S NAVY	KITTERY
ME8170022018	U S NAVAL AIR STATION	BRUNSWICK
ME8170022018	U S NAVY-NAVAL AIR STATION	BRUNSWICK
ME8170022018	U S NAVY-NAVAL AIR STATION	BRUNSWICK
ME8170022018	U S NAVY-NAVAL AIR STATION	BRUNSWICK
ME8170022018	U S NAVY-NAVAL AIR STATION	BRUNSWICK
ME9570024522	U S AIR FORCE	LIMESTONE
NH2971590003	U S DEFENSE FUEL SUPPORT-PT NEWINGTON	NEWINGTON
NH7570024847	U S AIR FORCE	PORTSMOUTH
RI1170024243	U S NAVY-MCALLISTER POINT	NEWPORT
RI2170024036	U S NAVAL BASE	NEWPORT
RI2170024036	U S NAVY-NORTHERN FACILITIES	NEWPORT
RI2170024036	U S NAVY-NORTHERN FACILITIES	NEWPORT
RI2170024036	U S NAVY-NOTHERN FACILITIES	NEWPORT
RI6170022036	U S NAS QUANSET POINT DUMP NCBC-DAVISVLE	NORTH KINGSTON
RI6170022036	U S NCBC-CAMP FOGARTY	NORTH KINGSTON
RI6170022036	U S NCBC-DAVISVILLE	NORTH KINGSTON
RI8170024790	U S NAVAL UNDERWATER SYSTEMS CENTER	NEWPORT
RI3971524790	U S DEFENSE FUEL SUPPORT	PORTSMOUTH
RI9143530260	U S NAVAL AIR STATION	CHARLESTOWN
VT6572824294	VERMONT AIR NATIONAL GUARD	BURLINGTON

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION II

EPA I.D.	SITE NAME	SITE CITY
NJ0170022172	NAVAL WEAPONS STATION	COLTS NECK
NJ0170022172	NAVAL WEAPONS STATION	COLTS NECK
NJ0170022172	NAVAL WEAPONS STATION	COLTS NECK
NJ0170022172	NAVAL WEAPONS STATION	COLTS NECK
NJ0170022172	NAVAL WEAPONS STATION SITE 1	COLTS NECK
NJ0170022172	NAVAL WEAPONS STATION SITE 2	COLTS NECK
NJ0170022172	NAVAL WEAPONS STATION SITE 3	COLTS NECK
NJ0170022172	NAVAL WEAPONS STATION SITE 4	COLTS NECK
NJ0170022172	NAVAL WEAPONS STATION SITE 5	COLTS NECK
NJ0210022752	MILITARY OCEAN TERMINAL (LANDFILL)	BAYONNE
NJ3210020704	PICATINNY ARSENAL	DOVER
NJ7170023744	NAVAL AIR ENGINEERING CENTER	LAKEHURST
NJ9170022694	NAVAL AIR PROPULSION CENTER	TRENTON
NY0213820830	SENECA ARMY DEPOT	ROMULUS
NY4210020414	NO. DIV. NAVAL FACIL. ENGINEERING COMMND	MONTAUK PT.
NY4571924451	GRIFFISS AIR FORCE BASE SITE I NORTH	ROME
NY4571924451	GRIFFISS AIR FORCE BASE SITE II EAST	ROME
NY4571924451	GRIFFISS AIR FORCE BASE SITE III CENTRAL	ROME
NY4571924774	PLATTSBURGH AIR FORCE BASE	PLATTSBURGH
NY9572125475	HANCOCK FIELD	NORTH SYRACUSE
PR2170027203	U.S. NAVAL STA. - BLDG. NO 145	CEIBA
PR2170027203	U.S. NAVY CRASH CREW FIRE TRAINING AREA	CEIBA
PR2170027203	U.S.N. (DPDO) FLAMMABLE STORAGE TRAILER	CEIBA
PR2170027203	U.S.N. - ABANDONED STATION'S OPEN PUMP	CEIBA
PR2170027203	U.S.N. - AVIATION GASOLINE TANK FARM	CEIBA
PR2170027203	U.S.N. - BUILDING NO 300	CEIBA
PR2170027203	U.S.N. - OPEN STORAGE FACILITY NO 112	CEIBA
PR2170027203	U.S.N. - TORPEDO SHOP	CEIBA
PR2170027203	U.S.N. DPDO- BUILDING NO 42	CEIBA
PR2170027203	U.S.N. STATION SANITARY LANDFILL	CEIBA
PR2170027203	U.S.NAVAL STA. - DUMPING SITE	CEIBA

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION III

EPA I.D.	SITE NAME	SITE CITY
DC8170024311	NAVAL RESEARCH LAB. BLDG A-11	WASHINGTON
DC8170024310	NAVAL DIST. WASHINGTON BLDG. 170	WASHINGTON
DE4210090011	U S CORP OF ENGRS ADJ COMM MCD. SCHOOL	SAINT GEORGES
DE8210090009	U S CORP OF ENGRS. N. CANAL BANK RD SITE	ST. GEORGES
DE8570024010	DOVER AIR FORCE BASE 436 A B G P /DEEV	DOVER

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION III

EPA I.D.	SITE NAME	SITE CITY
MD0170022602	U. S. NAVAL ACADEMY WHERRY HOUSING PROJ.	ANNAPOLIS
MD0170023444	NAVAL SURFACE WEAPONS CENTER	SILVER SPRING
MD0570024000	ANDREWS A F B, SANITARY LANDFILL-SITE #1	ANDREWS AFB
MD0570024000	ANDREWS A F B, SANITARY LANDFILL-SITE #2	ANDREWS AFB
MD1170023492	NAVAL RADIO TRANSMITTING FACILITY	ANNAPOLIS
MD2213820036	EDGEWOOD ARSENAL	EDGEWOOD
MD2213820036	EDGEWOOD ARSENAL	EDGEWOOD
MD3210021355	ABERDEEN PROVING GROUND	OBERDEEN PROVING
MD5170022540	NAVAL SUPPORT FACILITY	THURMONT
MD5210090010	BLOSSOM POINT FIELD TEST FACILITY	LA PLATA
MD7170023496	NAVAL STATION LAGOON	ANNAPOLIS
MD7170023496	NAVY COMMISARY STORE PARK. LOT AREA SO.	ANNAPOLIS
MD7170024536	NAVAL AIR STATION FISHING POINT LANDFILL	PATUXENT RIVER
MD7170024536	NAVAL AIR STATION; PATUXENT RIVER	PATUXENT RIVER
MD7170024536	NAVAL AIR STATION-GIRL SCOUT CAMP AREA	PATUXENT RIVER
MD7170024536	NAVAL AIR STATION, PATUXENT RIVER	PATUXENT RIVER
MD7170024536	NAVAL AIR STATION, PATUXENT RIVER, MD	PATUXENT RIVER
MD7170024536	NAVAL AIR STATION, SOUTH OF GOOSE CREEK	PATUXENT RIVER
MD7170024684	NAVAL ORDNANCE STATION	INDIAN HEAD
MD7170024684	NAVAL ORDNANCE STATION	INDIAN HEAD
MD7170090016	U.S. NAVY BLOODSWORTH ARCHIPELAGO	BLOODSWORTH ISLA
MD9210020567	DEPARTMENT OF THE ARMY - BUILDING 6527	FT. GEORGE G. ME
MD9210020567	DEPT. OF ARMY - BLDG. T-37 SUB-STATION 3	FT. GEO. G. MEAD
MD9210020567	DEPT. OF ARMY - F E LUMBER STORAGE YARD	FT. GEO G. MEADE
MD9210020567	DEPT. OF ARMY-TRAINING AREA T-38	FT. GEO. G. MEAD
MD9210020567	U.S. ARMY	FT. GEORGE G. ME

103(C) NOTIFICATIONS of FEDERAL FACILITIES

REGION III

EPA I.D.	SITE NAME	SITE CITY
PA1210022082	WILLOW GROVE ARF	HATBORO
PA2213720145	D F A E BLDG 325	CARLISLE
PA3170022104	NAVY SHIPS PARTS CONTROL CENTER BLDG. OA	MECHANICSBURG
PA3170022104	NAVY SHIPS PARTS CONTROL CENTER BURN PIT	MECHANICSBURG
PA3170022104	NAVY SHIPS PARTS CONTROL CENTER LANDFILL	MECHANICSBURG
PA4170022418	U.S. NAVAL BASE	PHILADELPIA
PA4170022418	U.S. NAVAL BASE PHIL. SHIPYARD BLDG. 993	PHILADELPHIA
PA4170022418	U.S. NAVAL BASE, N.W. PARKING LOT	PHILADELPHIA
PA5213820892	TOBYHANNA ARMY DEPOT	TOBYHANNA
PA6170024545	NAVAL AIR DEVELOPMENT CENTER	WARMINSTER
PA6170024545	NAVAL AIR DEVELOPMENT CENTER	WARMINSTER
PA6170024545	NAVAL AIR DEVELOPMENT CENTER	WARMINSTER
PA6170024545	NAVAL AIR DEVELOPMENT CENTER	WARMINSTER
PA6170024545	NAVAL AIR DEVELOPMENT CENTER	WARMINSTER
PA6170024545	NAVAL AIR DEVELOPMENT CENTER	WARMINSTER
PA6170024545	NAVAL AIR DEVELOPMENT CENTER	WARMINSTER
PA6213820503	LETTERKENNY ARMY DEPOT (LEAD)	CHAMBERSBURG
PA6213820503	U.S. ARMY; LETTERKENNY ARMY DEPOT (LEAD)	CHAMBERSBURG
PA8213820642	NEW CUMBERLAND ARMY DEPOT LANDFILL	NEW CUMBERLAND

103(C) NOTIFICATIONS
of
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REGION III

EPA I.D.	SITE NAME	SITE CITY
VA1170024698	DEPT. OF DEFENSE; CAMP PEARY	WILLIAMSBURG
VA1170024722	U.S. MARINE CORP-MCDEC SANITARY LANDFILL	QUANTICO
VA1170024722	U.S. MARINE CORPS.-HZD. WST. STRG. FAC.	QUANTICO
VA1170024722	U.S. MARINE CORPS., SITE #1	QUANTICO
VA1170024722	U.S. MARINE CORPS., SITE #2	QUANTICO
VA1170024722	U.S. MARINE CORPS., SITE #3	QUANTICO
VA1170024813	NORFOLK NAVAL SHIPYARD	PORTSMOUTH
VA1170024813	NORFOLK NAVAL SHIPYARD	PORTSMOUTH
VA1170024813	U.S. NAVY; ACID PIT C	PORTSMOUTH
VA1170024813	U.S. NAVY; ACID PIT C (OPEN)	PORTSMOUTH
VA1170024813	U.S. NAVY; CHEMICAL WASTE PIT	PORTSMOUTH
VA1170024813	U.S. NAVY; CYANIDE WASTE PIT	PORTSMOUTH
VA1170024813	U.S. NAVY; HYDRAULIC FILL AREA E. DUMP	PORTSMOUTH
VA1170024813	U.S. NAVY; PICKLING TANKS BLDG. 369	PORTSMOUTH
VA1170024813	U.S. NAVY; PICKLING TANKS OLD GANTRY	PORTSMOUTH
VA1170024813	U.S. NAVY; SANITARY LANDFILL	PORTSMOUTH
VA1170024813	U.S. NAVY; WASTE OIL TANK	PORTSMOUTH
VA1170024813	U.S. NAVY; WST. & ORGANIC SOLVENT PIT	PORTSMOUTH
VA1170024813	U.S.NAVY; PICKLING TANKS	PORTSMOUTH
VA1170090012	U.S. NAVY; CAMP PENDLETON	VIRGINIA BEACH
VA1210020730	U.S. ARMY; RADFORD ARMY AMMUNITION PLT.	RADFORD
VA2170024135	U.S. NAVY-MAINTENANCE AREA BLDG. #13	ARLINGTON
VA2170024606	NAVAL AIR STATION OCEANA	VIRGINIA BEACH
VA2170024606	NAVAL AIR STATION OCEANA	VIRGINIA BEACH
VA2170024606	NAVAL AIR STATION OCEANA	VIRGINIA BEACH
VA2170024606	NAVAL AIR STATION OCEANA	VIRGINIA BEACH
VA2210420418	U.S. ARMY; D S MAINTENANCE SEPTIC FIELD	BOWLING GREEN
VA2210420418	U.S. ARMY, DDT SPILL SITE	FORT A.P. HILL

103(C) NOTIFICATIONS
of
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REGION III

EPA I.D.	SITE NAME	SITE CITY
VA3170024605	NAVAL SUPPLY CENTER-CHEATHAM ANNEX INCTR	WILLIAMSBURG
VA3170024605	NAVAL SUPPLY CENTER-CHEATHAM FUEL DEPOT	WILLIAMSBURG
VA3170024605	NAVAL SUPPLY CNTR. DUPONT AMMUN. FACTORY	WILLIAMSBURG
VA3971520751	DEFENSE GENERAL SUPPLY	RICHMOND
VA3971520751	DEFENSE GENERAL SUPPLY CTR.	
VA3971520751	DEFENSE GENERAL SUPPLY CTR.	
VA4570024477	BROWNING-FERRIS, LANGLEY AFB LANDFILL	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON
VA4570024477	USAF; LANGLEY AFB	HAMPTON

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION III

SITE I.D.	SITE NAME	SITE CITY
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170000181	U.S. NAVY; WHARF AREA	CHESAPEAKE
VA5170000181	U.S.NAVY; ST. JULIENS CREEK ANNEX	CHESAPEAKE
VA5170022482	NAVAL AMPHIBIOUS BASE LITTLE CREEK	VIRGINIA BEACH
VA5170022482	NAVAL AMPHIBIOUS BASE, LITTLE CREEK	VIRGINA BEACH
VA5170022482	U.S. NAVY-NAVAL AMPHIBIOUS BASE	VIRGINIA BEACH
VA5170022938	FLEET COMBAT TRAINING CENTER LANDFILL	VIRGINIA BEACH
VA5170022938	FLEET COMBAT TRAINING CENTER, PEST CNTRL	VIRGINIA BEACH
VA5170022938	FLEET COMBAT TRNG. CNTR/PUB WK STRG CMPD	VIRGINIA BEACH
VA5570090014	USAF OYSTER POINT DEVELOPMENT CORP.	NEWPORT NEWS
VA6170022556	U.S. NAVY; NAVY LP-35	NORFOLK
VA6170022556	U.S. NAVY; V-88 SEAWALL	NORFOLK
VA6170022556	U.S. NAVY-NARF STORM SEWER SYSTEM	NORFOLK
VA6170022556	U.S. NAVY, LF-18 SEAWALL	NORFOLK
VA6170061463	U.S. NAVY, CAMP ALLEN LANDFILL	NORFOLK
VA6170061463	U.S. NAVY, CAMP ALLEN SALVAGE YARD	NORFOLK

103(C) NOTIFICATIONS
of
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REGION III

SITES I.D.	SITE NAME	SITE CITY
VA7170022472	U.S. NAVY; CRANEY ISLAND FUEL TERMINAL	PORTSMOUTH
VA7170024684	NAVAL SURFACE WEAPONS CENTER	DAHLGREN
VA7170090008	U.S. NAVY; SCOTT CENTER LANDFILL SITE #1	PORTSMOUTH
VA7210020502	U S A QUATERMASTER CENTER & FORT LEE	FORT LEE
VA7213720082	U.S. ARMY - ENG. CENTER & FT. BELVOIR	FORT BELVOIR
VA7213720603	FORT MONROE ENTOMOLOGY SHOP	FT MONROE
VA8170022513	U.S. NAVY, NAVAL MAGAZINE	NORFOLK
VA8170022513	U.S. NAVY, MM AREA	NORFOLK
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #1	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #2	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #3	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #4	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #5	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #6	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #7	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #8	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE #9	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE 10	YORKTOWN
VA8170024170	U.S. NAVY; NAVAL WEAPONS STATION SITE 11	YORKTOWN
VA8170090007	U.S. NAVY; ACETYLENE WASTE LAGOON	PORTSMOUTH
VA8170090007	U.S. NAVY; SOUTHGATE ANNEX	PORTSMOUTH
VA8170090015	U.S. NAVY-AUXILIARY LANDING FIELD FENT.	CHESAPEAKE
VA9170022488	NAVAL RADIO TRANSMITTING FACILITY	SUFFOLK
VA9170022488	NAVAL RADIO TRANSMITTING FACILITY	SUFFOLK
VA9170022512	U.S. NAVY BLDG. V-95 PEST CNTRL. RINSATE	NORFOLK

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION III

SITE I.D.	SITE NAME	SITE CITY
WV0170023691	ALLEGANY BALLISTICS LABORATORY	
WV0170023691	ALLEGANY BALLISTICS LABORATORY SITE 2	
WV9170022488	NAVAL RADIO STATION (R) SUGAR GROVE	SUGAR GROVE
WV9170022488	NAVAL RADIO STATION SUGAR GROVE	SUGAR GROVE

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION IV

SITE I.D.	SITE NAME	SITE CITY
AL3210020027	US ARMY/ANNISTON ARMY DEPOT	ANNISTON
AL4210020562	FORT MCCLELLAN/T-38,T-31,24A,T-6, ETC.	FORT MCCLELLAN
AL4210020562	US ARMY/FT MCCLELLAN SITES I,J,K,L	FORT MCCLELLAN
AL4210020703	US ARMY PHOSPHATE DEVELOPMENT WORKS	MUSCLE SHOALS
AL6210020008	US ARMY/ALABAMA ARMY AMMUNITION PLANT	CHILDERSBURG
AL6210020776	US ARMY AVIAT. CTR/OLD SANITARY LANDFILL	FT. RUCKER
AL6210020776	US ARMY AVIATION CTR/IMPACT AREA	FT RUCKER
AL6210020776	US ARMY AVIATION CTR/LOWE ARMY AIRFIELD	FT RUCKER
AL6210020776	US ARMY AVIATION CTR/POL BRANCH	FT RUCKER
AL7210020742	OLIN CORP/HUNTSVILLE PLANT	HUNTSVILLE
AL7210020742	US ARMY MISSILE COMMAND	HUNTSVILLE
FLD000123703	GULF OIL CHEMICAL CO/BROOKSVILLE	BROOKSVILLE
FLD000123703	GULF OIL CHEMICAL CO/BROOKSVILLE	BROOKSVILLE
FLD000602334	HARRIS SEMICONDUCTOR	PALM BAY
FLD000608083	CHLORIDE METALS DIVISION	TAMPA
FLD000616409	UNION CARBIDE CORP/SOLVENTS TERMINAL	TAMPA
FLD000622563	PALM BEACH CO SWD/CROSS STATE	WEST PALM BEACH
FLD000622605	PCR RESEARCH CHEMICALS, INC	OLUSTEE
FLD000640441	JACKSONVILLE/NORTH LANDFILL	JACKSONVILLE
FLD000640441	JACKSONVILLE/NORTH LANDFILL	JACKSONVILLE
FLD000640441	JACKSONVILLE, CITY OF/NORTH LANDFILL	JACKSONVILLE
FLD000645481	FMC CORP	JACKSONVILLE
FLD000654582	TAMPA ELECTRIC CO/GANNON STATION	TAMPA
FLD000654640	TAMPA ELECTRIC CO/BIG BEND STATION	RUSKIN
FLD000654871	TAMPA ELECTRIC CO/HOOKERS POINT STATION	TAMPA
FLD000655126	MORGAN SUNOCO SERVICE	ORLANDO
FLD000798868	VERO BEACH MUNICIPAL POWER PLANT	VERO BEACH
FLD000827063	EXXON BULK PLANT #4553	FT. MYERS
FLD000827097	EXXON BULK PLANT #4556	IMMOKALEE
FLD000833459	LONESTAR FLORIDA PENNSUCO	MIAMI
FLD000919043	WEST MELBOURNE WWTP	WEST MELBOURNE
FLD001447952	UNITED TECHNOLOGIES CORP	WEST PALM BEACH
FLD001801083	SUN PETROLEUM PRODUCTS CO TERMINAL	JACKSONVILLE
FLD001865195	GRACE, W.R. & CO, AG CHEM GROUP	FT. PIERCE
FLD004053450	SOUTHERN WOOD PIEDMONT CO	BALDWIN
FLD004057535	KOPPERS CO INC/GAINESVILLE PLANT	GAINESVILLE
FLD004057535	KOPPERS CO/TIMBER TREATING	GAINESVILLE
FLD004068482	DANTZLER LUMBER & EXPORT CO	JACKSONVILLE
FLD004069183	DELTA LABORATORIES, INC	OCALA
FLD004090452	JOHNSON CONTROLS/GLOBE-UNION NC	TAMPA
FLD004091583	SIKES CORP/SETTLING POND	LAKELAND
FLD004091807	PEAK OIL CO	TAMPA
FLD004092524	UNION CAMP CORP	LAKELAND
FLD004092532	STAUFFER CHEMICAL CO	TAMPA
FLD004094181	FMC CORP	TAMPA
FLD004106407	MOBIL CHEMICAL CO	NICHOLS
FLD004106407	MOBIL CHEMICAL CO	NICHOLS

103(C) NOTIFICATIONS
of
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REGION IV

SITE I.D.	SITE NAME	SITE CITY
FL2170022634	US NAVY FUEL DEPOT	JACKSONVILLE
FL2170023244	US NAS WHITING FIELD/SITE 1	MILTON
FL2170023244	US NAS WHITING FIELD/SITE 2	MILTON
FL2170023244	US NAS WHITING FIELD/SITE 3	MILTON
FL2170023244	US NAS WHITING FIELD/SITE 4	MILTON
FL2170023244	US NAS WHITING FIELD/SITE 5	MILTON
FL2570024404	US AIR FORCE/SITE #2	PATRICK AFB
FL2570024404	US AIR FORCE/SITE 1	PATRICK AFB
FL2800016121	USAF/CAPE CANAVERAL AIR FORCE STATION	PATRICK AFB
FL3570024320	DEFENSE FUEL SUPPORT POINT LYNN HAVEN	LYNN HAVEN
FL5170022474	EOD TEAM	JACKSONVILLE
FL5170022474	US NAVAL AIR STATION	JACKSONVILLE
FL6170022952	US NAS/LANDFILLS & REFUSE DUMP	KEY WEST
FL6170022952	US NAS/REFUSE DUMP	KEY WEST
FL6170022952	US NAS/REFUSE DUMP	KEY WEST
FL6170024412	SITE 4, TRANSFORMER STORAGE AREA	JACKSONVILLE
FL6170024412	SITES 1,2,3 ABANDONED OIL & SOLVENT PITS	JACKSONVILLE
FL6470032446	RICHMOND NAVAL AIR STATION	PERRINE
FL6570024582	DEFENSE FUEL SUPPORT POINT TAMPA	MACDILL AFB
FL6570024582	USAF/MACDILL AFB	MACDILL AFB
FL6570024582	USAF/MACDILL AFB	MACDILL AFB
FL6800014585	KENNEDY SPACE CENTER SANITARY LANDFILLS	KENNEDY SPACE CE
FL7570024375	US AIR FORCE/WEST OF AMMO AREA SITE	HURLBURT FIELD
FL8570024366	USAF/EGLIN AFB	EGLIN AFB
FL8570024366	USAF/EGLIN AFB/HARDSTAND 7	EGLIN AFB
FL8570024366	USAF/HARDFILL AREAS	EGLIN AFB
FL8570024366	USAF/MULLET CREEK	EGLIN AFB
FL8570024366	USAF/SANITARY LANDFILLS	EGLIN AFB
FL9170024567	US NAS/PWC LANDFILL	PENSACOLA
FL9170024567	US NAVAL AIR STATION	PENSACOLA

103(C) NOTIFICATIONS
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REGION IV

SITE I.D.	SITE NAME	SITE CITY
GA0210020046	US ARMY/FORT GILLEM	FOREST PARK
GA0210020368	US ARMY/FT GORDON INSTALLATION	FT. GORDON
GA0570024109	US AIR FORCE	MOODY AFB
GA1570024306	USAF	MARIETTA
GA1570024330	US AIR FORCE/ROBINS AFB	WARNER ROBINS
GA4170090001	US NAVY SUBM. SUPPORT/ARDM PAINT STORE	KINGS BAY
GA4170090001	US NAVY SUBMARINE SUPPORT/BORROW PIT	KINGS BAY
GA4170090001	US NAVY SUBMARINE SUPPORT/PCB STORAGE #1	KINGS BAY
GA4170090001	US NAVY SUBMARINE SUPPORT/PCB STORAGE #2	KINGS BAY
GA7170023694	US MARINE CORPS LOGISTICS BASE	ALBANY
GA7170023694	US MARINE CORPS LOGISTICS BASE	ALBANY
GA7170023694	US MARINE CORPS LOGISTICS BASE	ALBANY
GA7170023694	US MARINE CORPS LOGISTICS BASE	ALBANY
GA7170023694	US MARINE CORPS LOGISTICS BASE	ALBANY
KY0210020509	LEXINGTON-BLUE GRASS DEPOT ACTIVITY	LEXINGTON
KY5170024173	US NAVAL ORDANCE STATION	LOUISVILLE
KY8213820105	LEXINGTON-BLUE GRASS DEPOT ACTIVITY	RICHMOND

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of
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REGION IV

SITE I.D.	SITE NAME	SITE CITY
MS2170022626	US NAVY CONSTRUCTION BATTALION CENTER	GULFPORT
MS2170022626	US NAVY CONSTRUCTION BATTALION CENTER	GULFPORT
MS2170022626	US NAVY CONSTRUCTION BATTALION CENTER	GULFPORT
MS2170022626	US NAVY CONSTRUCTION BATTALION CENTER	GULFPORT
MS2170022626	US NAVY CONSTRUCTION BATTALION CENTER	GULFPORT
MS2570024164	KEESLER AIR FORCE BASE	BILOXI
MS2570024164	USAF/KEESLER AFB	BILOXI
MS2570024164	USAF/KEESLER AFB	BILOXI
MS6210809871	USAE WATERWAYS EXPERIMENT STATION	VICKSBURG
MS7570024060	USAF/COLUMBUS AFB	COLUMBUS
NC1170027261	US MARINE CORPS/EOD RANGE	CHERRY POINT
NC1170027261	USMC/DEFENSE PROPERTY DISPOSAL OFFICE	CHERRY POINT
NC1170027261	USMC/DEFENSE PROPERTY DISPOSAL OFFICE	CHERRY POINT
NC1170027261	USMC/DEFENSE PROPERTY DISPOSAL OFFICE	CHERRY POINT
NC1170027261	USMC/TRAINING AREA FOUR	MCAS CHERRY POIN
NC1170027261	USMCAS/CRASH CREW TRNING BERMS/RUNWAY 28	CHERRY POINT
NC1170027261	USMCAS/FACILITIES MAINTENANCE COMPOUND	CHERRY POINT
NC1170027261	USMCAS/GREASE PIT	CHERRY POINT
NC1170027261	USMCAS/INCINERATOR	CHERRY POINT
NC1170027261	USMCAS/INDUSTRIAL SLUDGE PIT	CHERRY POINT
NC1170027261	USMCAS/MAG 14 SUPPLY	CHERRY POINT
NC1170027261	USMCAS/OLD SANITARY LANDFILL	CHERRY POINT
NC5690308262	ANT FORT MACON	ATLANTIC BEACH
NC6170022580	USMC/BASE SANITARY LANDFILL (SITE 5)	CAMP LEJEUNE
NC6170022580	USMC/BLDGS TP452 & TP451 (SITE 10)	CAMP LEJEUNE
NC6170022580	USMC/BUILDING PT 37 (SITE 6)	CAMP LEJEUNE
NC6170022580	USMC/CAMP GEIGER DUMP (SITE 4)	CAMP LEJEUNE
NC6170022580	USMC/CHEMICAL LANDFILL (SITE 1)	CAMP LEJEUNE
NC6170022580	USMC/FIRE FIGHTING TRAINING PIT (SITE 11	CAMP LEJEUNE
NC6170022580	USMC/G4A RANGE (SITE 9)	CAMP LEJEUNE
NC6170022580	USMC/HADNOT POINT BURN DUMP (SITE 3)	CAMP LEJEUNE
NC6170022580	USMC/K-326 RANGE (SITE 8)	CAMP LEJEUNE
NC6170022580	USMC/LOT 140, HADNOT POINT ARE (SITE 7)	CAMP LEJEUNE
NC6170022580	USMC/STORAGE LOTS 201 & 203 (SITE 12)	CAMP LEJEUNE
NC6570024475	US AIR FORCE	POPE AFB
NC7170090008	USMC/CRASH CREW BURN PIT	
NC8170022570	USMC/FIRE FIGHTING TRAINING PIT (SITE 2)	JACKSONVILLE
NC8210020121	US ARMY/FORT BRAGG	FORT BRAGG

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REGION IV

SITE I.D.	SITE NAME	SITE CITY
SC0170022560	CHARLESTON NAVAL SHIPYARD/PCB STORAGE	CHARLESTON
SC0170022560	US NAVAL BASE/LANDFILL & OPEN BURN AREA	CHARLESTON
SC0170022560	US NAVAL STATION/CAUSTIC PIT	CHARLESTON
SC0170022560	US NAVAL STATION/CHEMICAL DISPOSAL SITE	CHARLESTON
SC0170022560	US NAVAL WEAPONS STATION	CHARLESTON
SC0170022560	US NAVAL WEAPONS STATION	CHARLESTON
SC0170022560	US NAVAL WEAPONS STATION/SOUTH ANNEX	CHARLESTON
SC1750216169	US MARINE CORPS AIR STATION/LANDFILL #1	BEAUFORT
SC1750216169	US MARINE CORPS AIR STATION/LANDFILL #2	BEAUFORT
SC3570024460	USAF/CHARLESTON AIR FORCE BASE	CHARLESTON
SC7210020189	CHARLESTON ARMY DEPOT	NORTH CHARLESTON
SC7570024466	USAF/SHAW AFB/SANITARY LANDFILL	SHAW AFB
SC7570024821	USAF/AEROSPACE GROUND EQUIPMENT	MYRTLE BEACH AFB
SC7570024821	USAF/SEWAGE TREATMENT PLANT	MYRTLE BEACH
SC9570024332	DEFENSE FUEL SUPPORT POINT CHARLESTON	HANAHAN
SC9570090002	USAF/SHAW AFB/POINSETT RANGE	SHAW AFB

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of
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REGION IV

SITE I.D	SITE NAME	SITE CITY
TN0210020582	US ARMY/MILAN AMMUNITION PLANT	MILAN
TN0210020532	US ARMY/MILAN AMMUNITION PLANT	MILAN
TN1890090003	US DOE/OAK RIDGE NATIONAL LABORATORY	OAK RIDGE
TN2170022600	US NAS/ACID CAUSTIC PIT, CRU-404	MILLINGTON
TN2170022600	US NAS/BATTERY SHOP/BLDG N-126	MILLINGTON
TN2170022600	US NAS/GREASE PIT/BLDG 499	MILLINGTON
TN2170022600	US NAS/INCINERATOR, NO. 109	MILLINGTON
TN2170022600	US NAS/INCINERATOR, NO. 1579	MILLINGTON
TN2170022600	US NAS/OPEN BURNING/AIRCRAFT DRILL SITE	MILLINGTON
TN2170022600	US NAS/OPEN BURNING/AIRCRAFT FF SCHOOL	MILLINGTON
TN2170022600	US NAS/OPEN BURNING/FIRE TRAINING PIT	MILLINGTON
TN2170022600	US NAS/PCB TRANSFORMER STORAGE AREA	MILLINGTON
TN2170022600	US NAS/PLATING SHOP DRY WELL/BLDG N-126	MILLINGTON
TN2170022600	US NAS/PLATING SHOP/BLDG N-121	MILLINGTON
TN2170022600	US NAS/SANITARY LANDFILL	MILLINGTON
TN2170022600	US NAS/SURFACE SPREADING-UNPAVED RDS	MILLINGTON
TN2170022600	US NAS/55 GALLON DRUM STORAGE AREA	MILLINGTON
TN2170022600	USNAS/HAZARDOUS WASTE BURIAL GROUND	MILLINGTON
TN2890090002	US DOE/COMPARATIVE ANIMAL RESEARCH LAB	OAK RIDGE
TN3890090001	US DOE/Y-12 PL/CHEM WASTE DISP AREA	OAK RIDGE
TN3890090001	US DOE/Y-12 PL/CHESTNUT RIDGE SLUDGE BAS	OAK RIDGE
TN3890090001	US DOE/Y-12 PL/HAZARDOUS CHEM DISP AREA	OAK RIDGE
TN3890090001	US DOE/Y-12 PLANT/BURN YARD	OAK RIDGE
TN3890090001	US DOE/Y-12 PLANT/LANDFILLS 1-A & 2-C	OAK RIDGE
TN3890090001	US DOE/Y-12 PLANT/S-3 POND	OAK RIDGE
TN3890090001	US DOE/Y-12 PLANT/SANITARY LANDFILL	OAK RIDGE
TN3890090001	US DOE/Y-12 PLANT/WASTE OIL LAND FARM	OAK RIDGE
TN4210020570	US ARMY/DEFENSE DEPOT MEMPHIS	MEMPHIS
TN5210020421	US ARMY/HOLSTON AMM PL/WW II DUMP SITE B	KINGSPORT
TN5210020421	US ARMY/HOLSTON AMMUN. PL/ROCK QUARRY	KINGSPORT
TN5210020421	US ARMY/HOLSTON AMMUNITION PL/AREA A	KINGSPORT
TN5210020421	US ARMY/HOLSTON AMMUNITION PL/AREA B	KINGSPORT
TN6210020933	US ARMY VOLUNTEER ARMY AMMUNITION PLANT	CHATTANOOGA
TN8570024044	USAF/CAMP FORREST WATER TREATMENT PLANT	ARNOLD AFS

103(C) NOTIFICATION
of
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REGION V

SITE I.D.	SITE NAME	SITE CITY
IL0213820376	US ARMY ST LOUIS AREA SUPPORT CTR	GRANITE CITY
IL1570024157	CLOSED LDFL	RANTOUL
IL3210020803	US ARMY SAVANNA ARMY DEPOT ACTIVITY	SAVANNA
IL5210021333	ROCK ISLAND ARSENAL	ROCK ISLAND
IL7213820460	US ARMY JOLIET ARMY AMMO PLT	JOLIET
IL8143609487	CRAB ORCHARD NATL WILDLIFE REF ORDILL D	CARTERVILLE
IL8143609487	OLIN CORP ORDILL AREA 12	CARTERVILLE
IL8143609487	OLIN CORP ORDILL I AREA	CARTERVILLE
IL8143609487	OLIN CORP ORDILL OGDEN ROAD	CARTERVILLE
IN1210022272	US ARMY NEWPORT ARMY AMMO DEPT	NEWPORT
IN1210022272	US ARMY NEWPORT ARMY AMMO PLT	NEWPORT
IN5170023498	US NAVY COMMANDING OFFICER	CRANE
IN5210020454	US ARMY GATE 19 LDFL JPG	MADISON
IN5210020454	US ARMY JPG BLDGS 279 617 602	MADISON
IN9210020443	INDIANA ORDNANCE WKS ARMY AMMO	CHARLESTON
IN9210020443	US ARMY INDIANA ARMY AMMO PLT	CHARLESTOWN

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REGION V

SITE I.D.	SITE NAME	SITE C
MI0571924760	US AIR FORCE K I SAWYER AFB	GWINN
MI1971590004	US DEPT OF DEFENSE DFSP HARRISVILLE	HARRISV
MI2971590003	US DEPT OF DEFENSE DFSP ESCANABA	WELLS T
MI5210022781	US ARMY DETROIT ARSL CHRYSLER TEST TRACK	WARREN
MI5570024278	US AIR FORCE WURTSMITH AFB	OSCODA
MI5570024278	US AIR FORCE-WURTSMITH AFB	OSCODA
MI5570024278	US AIR FORCE-WURTSMITH AFB	OSCODA
MI5570024278	US AIR FORCE-WURTSMITH AFB	OSCODA
MI5570024278	US AIR FORCE-WURTSMITH AFB	OSCODA
MI5570024278	US AIR FORCE-WURTSMITH AFB	OSCODA
MI5570024278	US AIR FORCE-WURTSMITH AFB	OSCODA
MI5570024278	US AIR FORCE-WURTSMITH AFB	OSCODA
MI5570024278	US AIR FORCE-WURTSMITH AFB	OSCODA
MN7213820908	US ARMY TWIN CITIES AMMO PLT	ARDEN HI
MN7570024284	US AFB DULUTH INTL AIRPORT	DULUTH
MN8570024275	US AIR FORCE MINNEAPOLIS ST PAUL IAP	MINNEAPO

103(C) NOTIFICATIONS
of
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REGION V

SITE I.D.	SITE NAME	SITE CITY
OH1170090004	US NAVY-NAVEL WEAPONS IND RESERVE PLT	COLUMBUS
OH3571924544	US AIR FORCE RICKENBACKER ANG BASE	RICKENBACKER ANG
OH3971524357	US DOD DEFENSE ELECTRONIC SUPPLY CTR	DAYTON
OH5210020736	US ARMY RAVENNA ARMY AMMUNITION PLT	RAVENNA
OH5210020736	US ARMY RAVENNA ARMY AMMUNITION PLT	RAVENNA
OH5210020736	US ARMY RAVENNA ARMY AMMUNITION PLT	RAVENNA
OH5210020736	US ARMY RAVENNA ARMY AMMUNITION PLT	RAVENNA
OH6210020222	US DOD DEFENSE CONSTRUCTION SUPPLY CTR	COLUMBUS
OH6890008984	US DOE MOUND FACIL	MIAMISBURG
OH7210020510	US ARMY LIMA ARMY TANK CTR	LIMA
OH7570028764	US AIR FORCE-YOUNGSTOWN MAP OHIO	VIENNA TWP
OH7571724312	US AIR FORCE WRIGHT-PATTERSON AFB	FAIRBORN
OH9971590006	US DOD DEFENSE FUEL SUPPORT PT CINN	CINCINNATI
WI0960009843	US ARMY CORP OF ENG FOUNTAIN CITY S BASE	FOUNTAIN CITY
WI3210020563	US ARMY PESTICIDE BURIAL GRDS	SPARTA
WI5571224299	US AIR FORCE GEN BILLY MITCHELL FLD	MILWAUKEE
WI9210020054	US ARMY BADGER ARMY AMMO PLT	BARABOO
WI9210020054	US ARMY BADGER ARMY AMMO PLT	BARABOO

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of
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REGION VI

SITE I.D.	SITE NAME	SITE CITY
AR0213820707	U S ARMY PINE BLUFF ARSENAL	PINE BLUFF
AR0213820707	U S ARMY PINE BLUFF ARSENAL	PINE BLUFF
AR0213820707	U S ARMY PINE BLUFF ARSENAL	PINE BLUFF
AR7960014481	U S ARMY CORPS OF ENG LITTLE ROCK ARK	ASHDOWN
LA0213820533	LOUISIANA ARMY AMMUNITION PLANT	DOYLINE
LA7143509340	LACASSINE NWR	LAKE ARTHUR
LA9572124452	USAF ENGLAND AFB BURIED GAS CYLINDERS	ENGLAND AFB
LA9572124452	USAF ENGLAND AFB CHEMICAL BURIAL MOUND	ENGLAND AFB
LA9572124452	USAF ENGLAND AFB LANDFILL	ENGLAND AFB
LA9572124452	USAF ENGLAND AFB PCB STORAGE BLDG 120	ENGLAND AFB
NM2750211235	WHITE SANDS MISSILE RANGE	WHITE SANDS
NM6213820974	FORT WINGATE DEPOT ACT TOOELE ARMY DEPOT	GALLUP
NM6572124422	HOLLOMAN AIR FORCE BASE	HOLLOMAN AFB
NM7572124454	USAF CANNON AIR FORCE BASE	UNKNOWN
NM8800019434	WHITE SANDS TEST FACILITY	LAS CRUCES
NM9570024423	USAF KIRTLAND AIR FORCE BASE	ALBUQUERQUE

103(C) NOTIFICATIONS
of
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REGION VI

SITE I.D.	SITE NAME	SITE CITY
OK1571724391	TINKER AIR FORCE BASE	OKLAHOMA CITY
OK4571524095	VANCE AIR FORCE BASE	ENID
OK6213822798	MCALESTER ARMY AMMUNITION PLANT	MCALESTER
TX0571924042	USAF CARSWELL AFB	FORT WORTH
TX0572124188	USAF BERGSTORM AIR FORCE BASE	AUSTIN
TX0572124188	USAF BERGSTROM AIR FORCE BASE	AUSTIN
TX2571524071	USAF GOODFELLOW AIR FORCE BASE	SAN ANGELO
TX2571524105	LAUGHLIN AIR FORCE BASE DUMP	DEL RIO
TX2571724333	KELLY AIR FORCE BASE	SAN ANTONIO
TX2571724333	KELLY AIR FORCE BASE	SAN ANTONIO
TX2571724333	KELLY AIR FORCE BASE	SAN ANTONIO
TX2572024303	BROOKS AFB	SAN ANTONIO
TX3170024738	NAVAL AIR STATION,CHASE FIELD	BEEVILLE
TX3213820738	US ARMY RED RIVER ARMY DEPOT	TEXARKANA
TX3571524161	USAF SHEPPARD AIR FORCE BASE LANDFILL	SHEPPARD AFB
TX3571924643	USAFB DYESS	ABILENE
TX4570090007	ELLINGTON AFB,HAZ WASTE TEMP STOR AREA	HOUSTON
TX4571524129	USAFB LACKLAND AFB	SAN ANTONIO
TX4571524129	USAFB LACKLAND AFB	SAN ANTONIO
TX4571524129	USAFB LACKLAND TRAINING ANNEX	SAN ANTONIO
TX6213820529	US ARMY LONGHORN ARMY AMMUNITION PLT	KARNACK
TX6213820529	US ARMY LONGHORN ARMY AMMUNITION PLT	KARNACK
TX6213820529	US ARMY LONGHORN ARMY AMMUNITION PLT	KARNACK
TX6213820529	US ARMY LONGHORN ARMY AMMUNITION PLT	KARNACK
TX6213820529	US ARMY LONGHORN ARMY AMMUNITION PLT	KARNACK
TX6213820529	US ARMY LONGHORN ARMY AMMUNITION PLT	KARNACK
TX6213820529	US ARMY LONGHORN ARMY AMMUNITION PLT	KARNACK
TX7140090005	U S ENVIRONMENTAL PROTECTION	HOUSTON
TX7170022787	CORPUS CHRISTI CITY OF NAS PUB WKS DEPT	CORPUS CHRISTI
TX7170022787	CORPUS CHRISTI CITY OF NAVAL AIR STATION	CORPUS CHRISTI
TX7213821831	US ARMY LONE STAR ARMY AMMUNITION PLT	TEXARKANA
TX8571524091	USAFB REESE AFB	LUBBOCK
TX8571524091	USAFB REESE AFB	LUBBOCK
TX8571524117	RANDOLPH AFB SANITARY LANDFILL	RANDOLPH
TX8571524117	RANDOLPH AFB SEWAGE DISPOSAL PLANT	RANDOLPH

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION VII

SITE I.D.	SITE NAME	SITE CITY
IA7213820445	IOWA ARMY AMMUNITION PLANT	MIDDLETOWN
KS0213820467	KANSAS ARMY AMMUNITION PLANT	PARSONS
KS0213820467	KANSAS ARMY AMMUNITION PLANT	PARSONS
KS3213820878	SUNFLOWER ARMY AMMUNITION PLANT	DESOTO
KS5170022938	NAVAL AIR STATION	OLATHE
KS5170022938	NAVAL AIR STATION	OLATHE

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION VII

SITE I.D.	SITE NAME	SITE CITY
M03213720979	FORT LEONARD WOOD	FORT LEONARD WOO
M04213820489	LAKE CITY ARMY AMMUNITION PLANT	INDEPENDENCE
M04213820489	REMINGTON ARMS CO.,INC.-LAKE CITY PLANT	INDEPENDENCE
M07210421288	FORT LEONARD WOOD-WELDON SPG. TRAINING	ST. CHARLES
M08210022465	ST. LOUIS ORDNANCE PLANT	ST. LOUIS
M09571824292	RICHARDS-GEBAUR	BELTON
NE2213820234	CORNHUSKER ARMY AMMUNITION PLANT	GRAND ISLAND
NE6170023026	NAVAL RESERVE CENTER	LINCOLN
NE8571924648	OFFUTT AFB	OFFUTT AFB

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION VIII

SITE I.D.	SITE NAME	SITE CITY
CO1571524130	PCB STORAGE FACILITY	DENVER
CO1571524130	PCB STORAGE FACILITY	DENVER
CO2210020333	FITZSIMONS ARMY MEDICAL CENTER	AURORA
CO4690090010	FHWA-MATERIALS LABORATORY-CDFD	DENVER
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL	COMMERCE CITY
CO5210020769	ROCKY MOUNTAIN ARSENAL - SHELL LEASEHOLD	COMMERCE CITY
CO7890010526	ROCKY FLATS PLANT	GOLDEN
CO8213820725	PUEBLO DEPOT ACTIVITY	PUEBLO
MT8571924556	BASE LANDFILL	GREAT FALLS
MT8571924556	MUNITIONS RESIDUE BURIAL SITE	GREAT FALLS
MT8571924556	PCB STORAGE FACILITY	GREAT FALLS
MT8571924556	RADIATION DISPOSAL AREA	GREAT FALLS

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION VIII

SITE I.D.	SITE NAME	SITE CITY
ND3571924759	GRAND FORKS AIR FORCE BASE	GRAND FORKS AFB
ND0971528807	DEFENSE FUEL SUPPORT POINT GRAND FORKS	GRAND FORKS AFB
ND3571924759	GRAND FORKS AIR FORCE BASE	GRAND FORKS AFB
ND3571924759	GRAND FORKS AIR FORCE BASE	GRAND FORKS AFB
ND3571924759	GRAND FORKS AIR FORCE BASE	GRAND FORKS AFB
ND4571924758	BURIED PETROLEUM SLUDGE & WASTE	MINOT
ND4571924758	PETROLEUM TANK SLUDGE PIT	MINOT
ND5120514687	METABOLISM & RADIATION RESEARCH LAB	FARGO
UT0571724350	HILL AIR FORCE BASE	HILL AFB
UT3170027277	NAVY INDUSTRIAL RESERVE ORDNANCE PLANT	MAGNA
UT3213820894	TOOELE ARMY DEPOT	TOOELE
UT3750211259	U.S. ARMY DUGWAY PROVING GROUND	DUGWAY
UT8570025561	LITTLE MOUNTAIN TEST ANNEX	OGDEN
UT9210020922	DEFENSE DEPOT	OGDEN
UT9570024555	UTAH TEST AND TRAINING RANGE	HILL AFB
WY1890031874	LARAMIE ENERGY TECHNOLOGY CENTER	

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION IX

SITE I.D.	SITE NAME	SITE CITY
AZ0570024133	LUKE AFB-FLIGHTLINE	
AZ0570024133	PERIMETER RD POL WASTE APPLICATION SITE	LUKE AFB
AZ0570024133	POL WASTE DSPL TRENCH SITE,LUKE AFB	LUKE AFB
AZ4570024055	DAVIS-MONTHAN AIR FORCE BASE	TUCSON
AZ5213820991	YUMA PROVING GROUND	YUMA
AZ7213820635	NAVAJO DEPOT ACTIVITY	FLAGSTAFF
AZ7570028582	WILLIAMS AIR FORCE BASE	CHANDLER

103(C) NOTIFICATIONS
of
FEDREAL FACILITIES

REGION IX

SITE I.D.	SITE NAME	SITE CITY
CA0140990052	BIG FOUR MILL	HOOPA VLY INDIAN
CA0170024491	SEAL BEACH NAVY WEAPONS	SEAL BEACH
CA0170024491	SEAL BEACH NWS EXPLOSIVES BURNING GROUND	NAVAL STE SEAL B
CA0170024491	SEAL BEACH NWS LANDFILL	NAVAL STE SEAL B
CA0170024491	SEAL BEACH NWS SAND BLAST FACILITY	NAVAL STE SEAL B
CA0170024491	SEAL BEACH NWS SAND BLAST FACILITY	NAVAL STE SEAL B
CA0170024491	SEAL BEACH NWS SETTLING POND #1	NAVAL STE SEAL B
CA0170024491	SEAL BEACH NWS SETTLING POND #2	NAVAL STE SEAL B
CA0170027254	NAVAL REGIONAL MEDICAL CTR OAKLAND BLD 5	OAKLAND
CA0170090054	FALLBROOK ANX NWS SEAL BEACH	FALLBROOK
CA0170090054	FALLBROOK ANX NWS SEAL BEACH	FALLBROOK
CA0210020780	SACRAMENTO ARMY DEPOT	SACRAMENTO
CA0971595236	DEFENSE FUEL SUPPORT POINT OZOL	MARTINEZ
CA1170090053	POINT LOMA ANNEX NAVAL SUPPLY CENTER	SAN DIEGO
CA1570024504	EDWARDS AIR FORCE BASE	EDWARDS
CA1570024504	EDWARDS AIR FORCE BASE(ROCKET SITE)	EDWARDS AFB
CA2170023152	BURRO CYN ORDNANCE FAC CHINA LAKE NWS	MT DIABLO B&M
CA2170023152	CHINA LAKE NWS ASBESTOS DISPOSAL SITES	MT DIABLO B&M
CA2170023152	CHINA LAKE NWS B MTN PROPELLANT DISP SIT	MT. DIABLO B&M
CA2170023152	CHINA LAKE NWS PROPELLANT MFG FACILITIES	MT DIABLO B&M
CA2170023152	CHINA LAKE NWS-AIRFIELD RUNOFF	MT DIABLO B & M
CA2170023152	CHINA LAKE NWS-BERYLLIUM TRENCH	MT DIABLO B&M
CA2170023152	CHINA LAKE NWS-PCB STORAGE FACILITY	CHINA LAKE
CA2170023152	CHINA LAKE NWS-PEP WASTE INCINERATOR	MT DIABLO B&M
CA2170023152	CHINA LAKE NWS-PROPELLANT SLIT TRENCHES	MT DIABLO B & M
CA2170023152	MICHELSON LABORATORY-CHINA LAKE NWS	
CA2170023152	SALTON SEA TEST SITE-CHINA LAKE NWS	CHINA LAKE
CA2170023194	NAVY MOLE PIER	LONG BEACH
CA2170023236	OLD CORPORATION YARD,NAS ALAMEDA	ALAMEDA
CA2170023236	WEST BEACH SANITARY LANDFILL	ALAMEDA
CA2170024382	STOCKTON NAVAL COMMUNICATIONS CENTER	STOCKTON
CA2570024453	GEORGE AIR FORCE BASE	GEORGE AFB
CA2971590029	ESTERO BAY DEFENSE FUEL SUPPORT POINT	MORRO BAY
CA3170024381	LEMOORE NAVAL AIR STATION	LEMOORE
CA3570024551	CASTLE AFB	CASTLE AFB
CA3971590028	SAN PEDRO DEFENSE FUEL SUPPORT POINT	SAN PEDRO
CA4170090027	OAKLAND NAVAL SUPPLY CTR-LOT 710	OAKLAND
CA4210020661	OAKLAND ARMY BASE,WAREHOUSE AREA	OAKLAND
CA4570024337	MCCLELLAN AFB	SACRAMENTO
CA4570024345	NORTON AIR FORCE BASE	SAN BERNARDINO

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION IX

SITE I.D.	SITE NAME	SITE CITY
CA5170022573	CAMP NIMITZ AREA	SAN DIEGO
CA5210020843	SIERRA ARMY DEPOT	HERLONG
CA5213790038	FT IRWIN NTC WASTE DISPOSAL AREA	FT. IRWIN
CA6170023323	PORT HUENEME NAVAL CONSTR BATTALION CTR	PORT HUENEME
CA6170023323	PORT HUENEME NAVAL CONSTR BATTLION CTR	PORT HUENEME
CA6170023323	PORT HUENEME NAVAL CONSTR BATTLION CTR	PORT HUENEME
CA6170023323	PORT HUENEME NAVAL CONSTR TRAINING CTR	PORT HUENEME
CA6170024289	SAN DIEGO NAVAL STATION	SAN DIEGO
CA6170024289	SAN DIEGO NAVAL STATION	SAN DIEGO
CA7170023330	TREASURE ISLAND NAVAL STATION	SAN FRANCISCO
CA7170024775	MARE ISLAND NAVAL SHIPYARD	VALLEJO
CA7170090016	NORTH ISLAND NAVAL AIR STATION	SAN DIEGO
CA7170090016	NORTH ISLAND NAVAL AIR STATION	SAN DIEGO
CA7210020676	FORT ORD	
CA7210020759	RIVERBANK ARMY AMMUNITION PLANT	RIVERBA
CA7570024508	BEALE AFB PCB STORAGE/SANITARY LANDFILL	BEALE AFB
CA8170024261	BARSTOW USMC LOGISTICS BASE	BARSTOW
CA8210020436	FORT HUNTER LIGGETT	JOLON
CA8210020832	SHARPE ARMY DEPOT	LATHROP
CA8570024143	MATHER AIR FORCE BASE	SACRAMENTO
CA8971524360	NORWALK DEFENSE FUEL SUPPORT POINT	NORWALK
CA9170024740	MIRAMAR NAVAL AIR STATION	SAN DIEGO
CA9170024740	MIRAMAR NAVAL AIR STATION	SAN DIEGO
CA9170024740	MIRAMAR NAVAL AIR STATION	SAN DIEGO
CA9170027271	PACIFIC MISSILE TEST CENTER	POINT MUGU
CA9170027271	PACIFIC MISSILE TEST CENTER-SITE #3	POINT MUGU
CA9170027271	PACIFIC MISSILE TEST CENTER-SITE B	POINT MUGU
CA9170090055	NAVAL RADIO TRANSMITTING FACILITY	DIXON

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION IX

SITE I.D.	SITE NAME	SITE CITY
GU1170090004	SASA VALLEY FUEL DEPOT	PITI
GU2170024804	NAVY COMMUNICATIONS CENTER	BARRIGADA VILLAG
GU4170090001	PITI POWER PLANT TRANSFORMER STORAGEAREA	PITI VILLAGE
GU5170022680	PWC SANITARY LANDFILL	NAVAL STATION-AG
GU5170022680	PWC TRANSFORMER REPAIR SHOP	NAVAL STATION-AG
GU7170027323	BORROW PIT NIMITZ HILL DUMPSITE	NIMITZ HILL ANNE
GU7170027323	SHARK PIT-ABANDONED DUMP	AGANA
HI0170090005	MAKALAPA PESTICIDE PIT PEARL HARBOR NPCS	PEARL HARBOR
HI1170024326	BARBERS POINT SANITARY LANDFILL	BARBERS POINT
HI1170024326	CORAL SEA RD PIT-NAS BARBERS POINT	BARBERS POINT
HI1170024326	ORDY POND NAS BARBERS POINT	BARBERS POINT
HI1170024342	PEARL HARBOR NAVY COMPLEX	PEARL HARBOR
HI2170024341	FORD ISLAND LANDFILL-NS PEARL HARBOR	PEARL HARBOR
HI2170024341	PEARL HARBOR NAVAL STATION GOLF COURSE	PEARL HARBOR
HI2170024341	PEARL HARBOR NS FIREFIGHTING SCHOOL	PEARL HARBOR
HI3210022239	SCHOFIELD BARRACKS SANITARY LANDFILL	WAHIAWA
HI4170090001	PEARL CITY FUEL ANNEX COMPLEX	PEARL CITY
HI4170090001	PEARL CITY FUEL ANNEX,BERM AREA TANK #3	PEARL CITY
HI6170022762	INTERIM SANITARY LNDFL MCAS KANEOHE BAY	MCAS KANEOHE BAY
HI6170022762	KANEOHE BAY MCAS CRASH CREW TRAINING FAC	MCAS KANEOHE BAY
HI6170022762	QUARRY PIT LANDFILL MCAS KANEOHE BAY	MCAS,KANEOHE BAY
HI6170022762	ULUPAU SANITARY LNDFL MCAS KANEOHE BAY	MCAS,KANEOHE BAY
HI6170024339	PEARL HARBOR NAVAL SHIPYARD	PEARL HARBOR
HI6170024339	PEARL HARBOR NAVAL SHIPYARD (DALIC PLAT)	PEARL HARBOR
HI6170024339	PEARL HARBOR NAVAL SHIPYARD CHEM.CLEAN.	PEARL HARBOR
HI6170024339	PEARL HARBOR SHIPYARD,BUILDING 832	PEARL HARBOR
HI8570028722	FORT KAMEHAMEHA	HONOLULU
HI8570028722	FORT KAMEHAMEHA DISPOSAL SITE	HONOLULU
HI8570028722	HICKAM AIR FORCE BASE	HONOLULU
HI8570028722	WHEELER AIR FORCE BASE	OAHU

FEDERAL FACILITIES

REGION X

SITE I.D.	SITE NAME	SITE CITY
AK0572728632	CAPE NEWENHAM AFS	CAPE NEWENHAM AF
AK1570028695	POW-MAIN	POINT BARROW
AK1572728631	CAPE LISBURNE AFS	CAPE LISBURNE AF
AK2570028645	DUNCAN CANAL	DUNCAN CANAL
AK3570028644	DRIFTWOOD BAY	DRIFTWOOD BAY
AK3570028669	KING SALMON APRT	KING SALMON
AK3570028677	POW-1	LONELY
AK3570028685	NORTH RIVER	NORTH RIVER
AK3572728654	FORT YUKON AFS	FORT YUKON AFS
AK3572728662	INDIAN MOUNTAIN AFS	INDIAN MOUNTAIN
AK3572728712	TIN CITY AFS	TIN CITY AFS
AK4170024323	WHITE ALICE ANTENNA SITE	ADAK
AK4570028619	BEAR CREEK	BEAR CREEK
AK4570028684	NIKOLSKI	NIKOLSKI
AK4572728711	TATALINA AFS	TATALINA AFS
AK5570028618	BAR MAIN	BARTER ISLAND
AK5570028618	BAR-MAIN	BARTER ISLAND
AK5570028634	CAPE SARICHEF	CAPE SARICHEF
AK5570028659	GRANITE MOUNTAIN	GRANITE MOUNTAIN
AK5570028691	POW-2	OLIKTOK
AK6570028716	LIZ-3	WAINWRIGHT
AK6570028716	LIZ-3	WAINWRIGHT
AK6572728628	CAMPION AFS	CAMPION AFS
AK6690314517	POINT SPENCER	NOME
AK7210022342	GERSTLE RIVER TEST SITE	DELTA JUNCTION
AK7570028616	ANVIL MOUNTAIN	NOME
AK7570028699	PORT MOLLER	PORT MOLLER
AK8570028615	ANIAK	ANIAK
AK8570028623	BIG MOUNTAIN	BIG MOUNTAIN
AK8570028664	KALAKAKET CREEK	KALAKAKET
AK8570028698	PORT HEIDEN	PORT HEIDEN
AK8572728709	SPARREVOHN AFS	SPARREVOHN AFS
AK9570028622	BETHEL	BETHEL
AK9570028655	GALENA APRT	GALENA
AK9570028697	LIZ-2	POINT LAY
AK9570028697	LIZ-2	POINT LAY
AK9572728633	CAPE ROMANZOF AFS	CAPE ROMANZOF AF
AK9690330742	AUW COMPOUND	KODIAK
AK9690330742	COAST GUARD SANITARY LANDFILL	KODIAK

103(C) NOTIFICATIONS
of
FEDERAL FACILITIES

REGION X

SITE I.D.	SITE NAME	SITE CITY
ID0572890002	NATIONAL GUARD IMPACT AREA	UNINCORPORATED
ID4890008952	IDAHO NATIONAL ENGINEERING LABORATORY	IDAHO FALLS
OR6213820917	UMATILLA DEPOT ACTIVITY	HERMISTON
WA1140106344	BONNEVILLE POWER ADMINISTRATION	SUNNYSIDE
WA1170023419	NAVAL UNDERSEA WARFARE ENG STATION	KEYPORT
WA2170023418	CHEMICAL DISPOSAL PIT	BREMERTON
WA2170023418	JACKSON PARK LANDFILL	BREMERTON
WA2170023418	MOORING A	BREMERTON
WA2170023418	PCB STORAGE-PUGET SOUND NAVAL SHIPYARD	BREMERTON
WA2170023426	NAVAL SUPPLY CENTER, PUGET SOUND	MANCHESTER
WA2971590003	DEFENSE FUEL SUPPORT	MUKILTEO
WA4170090001	NAVAL UNDERSEA WARFARE ENG. STATION	HADLOCK
WA5170027291	SITES A,C,D, & F	BANGOR
WA6140106349	BONNEVILLE POWER ADMIN. - ROSS COMPLEX	VANCOUVER
WA9170023361	NAVAL AIR STATION, SANITORY LANDFILL	OAK HARBOR
WA9170023361	SITE #7 NAVY SEAPLANE BASE	OAK HARBOR
WA9170023361	SITE NUMBERS 1,2,3,4,5,8, AND 9	OAK HARBOR
WA9571924647	FAIRCHILD AIR FORCE BASE	FAIRCHILD AFB

THIS IS PRODUCED ON JANUARY, 14 th. 1983.

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

MANPOWER,
RESERVE AFFAIRS
AND LOGISTICS

April 4, 1983

Honorable Robert T. Stafford
Chairman, Environment and Public
  Works Committee
US Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed for your information is a paper summarizing the status of the DoD hazardous waste site cleanup program. We prepared this paper in response to numerous inquiries we have had on this topic. We are forwarding it at this time because we have just completed a comprehensive review of the relationship of our program to the National Superfund effort.

A copy of the report was released to the Wall Street Journal earlier today and copies are being distributed to the EPA and other Senators and Congressmen known to have specific interest in this program.

Sincerely,

Peter S. Daley, LtCol, USAF, BSC
Director, Environmental Policy

Enclosure

INFORMATION PAPER ON

DEPARTMENT OF DEFENSE

INSTALLATION RESTORATION PROGRAM

April 4, 1983

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
(MANPOWER, RESERVE AFFAIRS AND LOGISTICS)

Executive Summary

Introduction

The Department of Defense (DoD) has a comprehensive, on-going program (known as the Installation Restoration (IR) program) to identify and evaluate past DoD hazardous waste disposal sites on DoD installations and to control the migration of hazardous contaminants from old hazardous waste sites. This report summarizes the status of the DoD IR cleanup program and its relationship to the national Superfund effort.

Relationship to Superfund

DoD started its IR program in 1975, 5 years before the passage of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as "Superfund"). Under CERCLA, Section 103(c), notifications of all known or suspected closed hazardous waste sites were to be made to EPA by June 1981. Although 82% (227 of 274) of DoD installations reporting in response to Section 103(c) were already included in the IR program, some were not. This was because individual DoD installations frequently reported suspected sites based only on scant knowledge in order to err on the side of safety. While evaluation of these sites is still in progress, almost all sites reported under Section 103(c) and not previously included in the IR program have been confirmed as not to require any follow-on action.

On August 14, 1981, in Executive Order 12316, the President delegated certain authority specified in CERCLA to the Secretary of Defense. The Secretary of Defense was given responsibility for:

- Response actions (i.e., removal and remedial actions),
- Investigation, monitoring, survey, and testing, and
- Such planning, legal, fiscal, economic, engineering, architectural, and any other studies or investigations as necessary for response actions, cost recovery, and to enforce the provisions of CERCLA, for DoD facilities and vessels.

DoD coordinates its program closely with both EPA HQS and Regional personnel. Regional EPA personnel assist DoD through periodic visits and inspections at DoD facilities and are kept informed relative to progress at individual installations.

Military Departments' Role

Within DoD, the Secretary of Defense's authority in Executive Order 12316 has been re-delegated to the Secretaries of the Army, Navy, and Air Force. The Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics on November 20, 1981, formally identified DoD's functioning IR program as the DoD Superfund program. The objectives of the IR program are these:

- To identify and evaluate past hazardous material disposal sites on DoD facilities, to control contamination migration that presents a hazard to health or welfare, and
- To review and decontaminate as necessary land and facilities excess to DoD's mission.

In Defense Environmental Quality Program Policy Memorandum (DEQPPM) 81-5, dated December 11, 1981, DoD required that the military departments and the Defense Logistics Agency establish and operate their own installation restoration programs.

IR Program Description

The IR program is divided into four phases.

Phase I of the IR program is an installation assessment. In this phase, installation files are examined, current employees and key former employees are interviewed, and the terrain and facilities are examined. Additionally, all available information on past mission, current operations, waste generation, disposal, and hydrogeology of the area are collected. Limited soil and water sampling may also be conducted to determine if contaminants are present. Phase I studies at every installation currently listed in the DoD IR program are scheduled for completion by the end of FY 1985. 196 installations currently included in Phase I are listed in Section 4 of this report. 194 other Phase I studies have been completed.

Phase II is referred to as the confirmation phase. In this phase, a comprehensive survey is conducted to define the problem fully through environmental sampling and analyses. Data are developed to fill identified information gaps revealed during Phase I, and survey data from all technical areas are interpreted and interrelated. 89 installations currently included in Phase II are listed in Section 3 of this report.

Phase III is referred to as technology base development. In this phase, control technology is matched with specific contamination problems at a given site to determine the most economical solution. If control technologies do not exist, they are developed in this phase. One installation currently included in Phase III is listed in Section 2 of this report.

Phase IV, the final phase of the IR program, is the operations phase. This phase includes design, construction, and operation of pollution abatement facilities, and the completion of remedial actions. This phase could include the construction of containment facilities or decontamination processes, and associated long-term monitoring systems. Ten installations currently included in Phase IV are listed in Section 1 of this report.

Installations which have all action completed are listed in Section 5. Also, installations which reported one or more sites under CERCLA 103(c), but which do not require IR program effort, are listed in Section 5. In some instances, as noted, consideration may be given to adding some installations as candidates for Phase I.

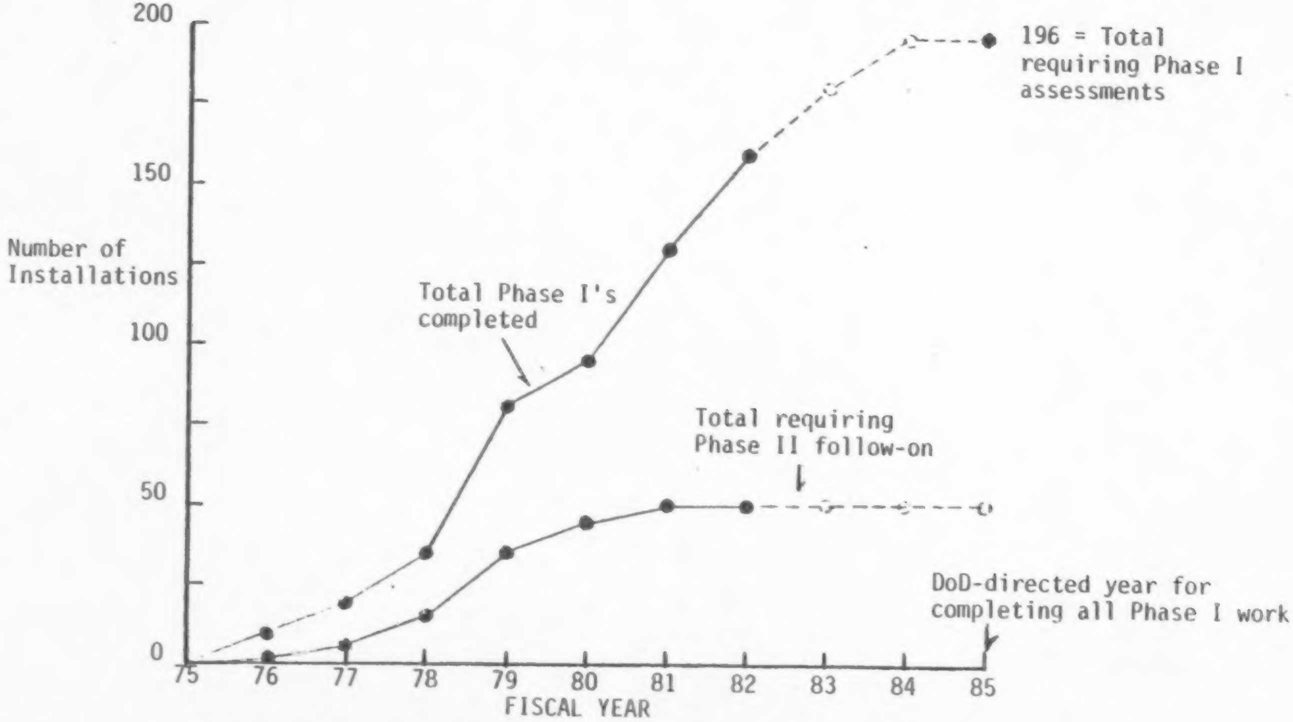
Note that the following sections do not list all DoD installations since many small facilities were excluded from the IR program because their operations were not of a type that has involved or presently involves enough hazardous material to present any environmental threat.

Response to Imminent Hazards

The comprehensive IR process outlined here would be expedited in the event that an imminent hazard to health, welfare, or the environment were found. DoD has developed substantial expertise in the identification, characterization, and control of environmental contamination.

Progress to Date

As of April 1983, the Defense Department had completed Phase I studies at 194 installations. This includes studies at four sites known to be associated with sites on the Superfund National Priorities List as well as all sites where public or private water supplies are known to have been contaminated. Also, 33 Phase II studies had been completed and 89 additional studies are underway. While it would be premature to state unconditionally that all significant problems have been identified, since a "worst, first" priority system was used for scheduling Phase I studies, there is good reason to believe that this is the case. Army data shown in the attached figure indicate that no new Phase II requirements have been identified in over a year. Since the Navy and Air Force programs are running about a year behind the Army, it is reasonable to assume few new problems will be identified. While most of the 89 Phase II studies now underway will probably yield some requirements for remedial action, the great majority will be relatively small efforts. None of these sites encompasses problems immediately threatening the environment or the health of the local communities involved. Although drinking water aquifers are threatened at some locations, the slow movement of groundwater, typically measured in feet per year, does not mandate immediate corrective action. Any required Phase II corrective action at these 89 installations will be initiated as soon as Phase II studies are completed.



US Army Installation Restoration Program. Number of Phase I installation assessments for hazardous waste problems completed and the number of Phase I assessments concluding that formal Phase II confirmation studies were required. Essentially all installations requiring follow-on studies were identified by 1981, the year identification of sites under the National Superfund program began.

Savanna Army Depot, IL (1)

Savanna Army Depot was established in 1918 for proofing and testing of field artillery weapons and ammunition. A survey conducted by the U.S. Army Toxic and Hazardous Materials Agency in 1982 indicated groundwater contamination by chemicals used in explosives. A study to define fully the extent of contamination is underway and scheduled for completion in 1983. The Army has spent approximately $600,000 in studies at Savanna Army Depot.

Milan Army Ammunition Plant, TN

A survey conducted by the U.S. Army Toxic and Hazardous Materials Agency in 1980 indicated groundwater contamination by chemicals used in explosives. Interim source control measures were implemented in 1981. Contamination was detected off-post but it is not considered to be a serious health problem. A study to define the nature and extent of contamination is underway and scheduled for completion in 1983. Follow-on source control measures are planned. The Army has spent approximately $600,000 in studies and remedial actions at Milan Army Ammunition Plant.

Navy/Marine Corps:

Naval Air Station, Jacksonville, FL (4)

Two cleanup actions have been completed by contract totalling $300,000. One involved construction of shallow trenches to intercept and treat leachate from an abandoned solvent and petroleum waste pit. The other involved removal and disposal of approximately 300 drums of polychlorinated biphenyl (PCB) contaminated soil from an area formerly used to store transformers.

Naval Base; Naval Shipyard, Charleston, SC (4)

The shipyard constructed a small catchment area for interception and removal of small amounts of oil leaching from an abandoned oil sludge pit. Remedial action was accomplished by local forces at minimal cost.

Naval Weapons Industrial Reserve Plant (NWIRP), McGregor, TX

Two cleanup actions are planned at an estimated cost of approximately $200,000. One involves a 2-acre area that was contaminated on the surface with pesticides prior to Navy ownership of the property. Plans are being developed to remove the pesticide contaminated soil and dispose of it at an approved site. The other site involves asbestos on the surface of the ground. Planning is underway to determine whether it is better to properly cover the asbestos on site or to remove it.

SECTION 1 - List of DoD Installations Currently in IR Phase IV (Operations)

Phase IV, the final phase of the IR program, is the operations phase. This phase includes design, construction, and operation of pollution abatement facilities, and completion of remedial actions. This phase could include construction of containment facilities or decontamination processes, and associated long-term monitoring systems.

The following ten DoD installations are currently in Phase IV. A brief description of the problem, and current status is included.

Army:

Anniston Army Depot, AL (1) [1]

Anniston Army Depot has the mission of receipt, storage, maintenance and dissemination of general supplies, ammunition and guided missiles. It is a primary tank rebuild facility. Four areas of concern have been identified: the industrial area, the metal refinishing facility, waste disposal site Z-1, and a sludge pile. Groundwater contamination by volatile organic compounds has been detected. Remedial action thus far includes a $5.4 million project to remove hazardous materials from waste disposal site Z-1 and the sludge pile which will be completed during the summer of 1983. A survey is underway to define the nature and extent of groundwater contamination on post from the other sources.

Rocky Mountain Arsenal, CO (12)

Rocky Mountain Arsenal (RMA) was established in 1942 to produce toxic chemicals and incendiary munitions. Beginning in 1946, portions of the Arsenal were leased to private industry for pesticide and herbicide manufacturing operations. In 1974, pesticide byproducts were detected in surface water. In 1975, contaminants were detected in groundwater. In 1976, the Army began to study groundwater contamination at RMA and results indicated contamination migration had occurred off the installation boundaries. To date, the Army has spent $45 million for studies, investigations, and remedial actions. A two and one-half year containment control study was recently completed which proposed long-range pollution containment and abatement actions costing approximately $117 million .

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[1] Figure in parentheses is the number of CERCLA 103(c) notifications filed.

Pearl Harbor Naval Complex; Naval Shipyard, Pearl Harbor, HI (11)

Contaminated soil from an old chromic acid spill was discovered during excavation for a new building at the Naval Shipyard, Pearl Harbor, in July 1981. Approximately 2,200 cubic yards of contaminated soil were removed; the contamination was leached from the soil; the leachate treated; and the cleansed soil placed in a landfill. Total cost was $175,000.

Air Force:

Wurtsmith AFB, MI (9)

Solvent contamination, primarily trichloroethylene, was discovered in the base drinking water supply and traced to a small leak from an underground storage tank. Approximately $2 million has been spent to investigate the problem and to install a treatment system to remove the contamination. The Air Force plans eventually to return the groundwater quality to levels determined by the State of Michigan. Other smaller areas of contamination have been subsequently discovered, and plans for monitoring, containment and/or treatment are being developed.

Air Force Plant 44, Tucson, AZ

Trichloroethylene and chromium contamination were discovered in groundwater at and near Air Force Plant 44, Tucson, AZ. Several public wells, as well as some at the plant, have been shut down because of contamination. While past solvent and industrial disposal actions were in consonance with then prevailing environmental regulations, contamination of the groundwater did occur. Some contamination control wells and treatment systems are already operating. Continuing discussions with City, State, and federal agencies will define final abatement requirements. The Air Force has committed three million dollars for cleanup actions and anticipates additional expenditures of between ten and twenty million dollars.

SECTION 2 - List of DoD Installations Currently in IR Phase III (Technology Base Development)

Phase III, referred to as technology base development, matches control technology with a specific contamination problem at a given site to determine the most economical solution. If control technologies do not exist, they are developed in this phase.

The following DoD installation is currently in Phase III. It is anticipated that it will be placed in Phase IV.

Louisiana Army Ammunition Plant, LA (1)

Section 3 - List of DoD Installations Currently in IR Phase II (Confirmation)

Phase II is the confirmation phase. In this phase, a comprehensive survey is conducted to define the problem fully through environmental sampling and analysis. Data are developed to fill in identified information gaps revealed during Phase I, and survey data from all technical areas are interpreted and interrelated. Information generated in Phase II may either confirm or rule out the existence of a contamination problem requiring further action.

The following 89 DoD installations are currently in Phase II. While Phase II efforts vary in cost and length, depending on site specific variables. Costs have averaged approximately $300,000 each up to now and 6-12 months to complete a study are typically required. Installations currently in Phase II may or may not require remedial action in the Phase IV (operations) phase. The number in parentheses following each listing indicates the number of potentially significant closed waste sites identified to the EPA in 1981 under the CERCLA 103(c) site identification program. Sites are listed alphabetically by state, and by Service within state groups.

Bar Main, Barter Island, AK (2)
Clear AFS, AK
Eilson AFB, AK
Flaxman Island AFS, AK
LIZ-2, Point Lay, AK (2)
LIZ-3, Wainwright, AK (2)
POW-main, Point Barrow, AK (1)
POW-1, Lonely, AK (1)
POW-2, Oliktok, AK (1)

Alabama AAP, AL (1)

Davis-Monthan AFB, AZ (1)
Luke AFB, AZ (3)

Riverbank AAP, CA (1)
Sharpe Army Depot, CA (1)
Edwards AFB, CA (2)
George AFB, CA (1)
Mather AFB, CA (1)
McClellan AFB, CA (1)
Norton AFB, CA (1)
DFSP Estero Bay, CA (1)
DFSP Ozol, CA (1)

Buckley ANGB, CO

NSB New London, CT (1)

Navy Fuel Depot, Jacksonville, FL (1)
Eglin AFB, FL (5)
Hurlburt Field, AF, FL (1)
MacDill AFB, FL (3)
Tyndall AFB, FL
DFSP Lynn Haven, FL (1)

Ft. Gillem, GA (1)
Dobbins AFB, GA
Robins AFB, GA

Iowa AAP, IA (1)

Joliet AAP, IL (1)
St. Louis Area Support Center, IL (1)

Indiana AAP, IN (2)
NWSC Crane, IN (1)

Sunflower AAP, KS (1)

Lexington - Blue Grass Depot Act, KY (2)

Natick R&D Command, MA
Westover AFB, MA (1)

Aberdeen Prvg Grnd (Edgewood Area), MD (2)
Ft. Mead, MD (5)

DFSC Casco Bay, ME (1)
DFSP Searsport, ME (1)

Detroit Arsenal, MI (1)
DFSP Escanaba, MI (1)

Twin Cities AAP, MN (1)
NIROP Minneapolis, MN
AFB Duluth Int Air, MN (1)

Gateway AAP, MO

Seymour-Johnson AFB, NC

Cornhusker AAP, NE (1)

DFSP Newington, NH (1)

Military Ocean Terminal, Bayonne, NJ (1)
NAEC Lakehurst, NJ (1)
Naval Weapons Station, Earle, NJ (9)

Kirtland AFB, NM (1)

Nellis AFB, NV

Ft. Drum, NY
Seneca Army Depot, NY (1)
Griffiss AFB, NY (3)
Hancock Field, N. Syracuse, NY (1)
DFSP Verona, NY

Wright-Patterson AFB, OH (1)
DFSP Cincinnati, OH (1)

Tinker AFB, OK (1)

Kingsley Field, OR

Letterkenny Army Depot, PA (2)

Naval Base, Newport, RI (5)
NUSC, Newport, RI (1)
DFSP Melville (Portsmouth), RI (1)

Myrtle Beach AFB, SC (2)

Ft. Belvoir, VA (1)
Vint Hill Farm Station, VA
Naval Base Norfolk, VA (10)
Naval Surface Weapons Ctr, Dahlgren, VA (1)
Navy, Craney Island Fuel T., VA (1)
Langley AFB, VA (24)
Defense General Supply Center,
  Richmond, VA (3)

Holston AAP, TN (4)
Volunteer AAP, TN (1)

Air Force Plant 4, Fort Worth, TX
Kelly AFB, TX
Lone Star AAP, TX (1)
Longhorn AAP, TX (7)

Hill AFB, UT (2)

McChord AFB, WA

Allegany Ballistics Lab, WV (2)

SECTION 4 - List of DoD Installations Currently in IR Phase I (Installation Assessment)

Phase I is the installation assessment phase. In this phase, installation files are examined, current employees and key former employees are interviewed, and the terrain and facilities are examined. Additionally, all available information on past mission, current operations, waste generation, disposal, and hydrogeology of the area are collected. Limited soil and water sampling may also be conducted to determine if contaminants are present. Phase I studies at every installation currently listed are scheduled for completion by the end of FY 1985. One hundred ninety-four other Phase I studies have already been completed to date.

The following 196 [illegible] installations are currently in Phase I. Phase I efforts vary in length. Installations in Phase I may or may not require Phase II effort. Trends indicate that for the Air Force and Navy 20-30 percent of these installations will require a more complete analysis under Phase II, and for the Army, less than 5 percent because its program is closer to completion.

Installations are listed alphabetically by State, and by Service within State group.

Ft. Greely, AK
Ft. Richardson, AK
Ft. Wainwright, AK
NARL Point Barrow, AK
NS Adak, AK
  (White Alice Antenna Site), Adak (1)
Elmendorf AFB, AK

Ft. Rucker, AL (4)

Little Rock AFB, AR

MCAS Yuma, AZ
Williams AFB, AZ (1)

Camp Roberts, CA
East Ft. Baker, CA
Ft. Hunter Liggett, CA (1)
Ft. MacArthur, CA
Ft. Ord, CA (1)
Hamilton Army Air Field, CA
Parks Reserve Forces Training Area, CA
Presidio of Monterey, CA
Presidio of San Francisco, CA

Rio Vista Reserve Training Activity, CA
Mare Island Naval Shipyard, CA (1)
MCAS El Toro, CA
MCB Camp Pendleton, CA
MCB Twenty-nine Palms, CA
MCLB Barstow, CA (1)
MCRD San Diego, CA (1)
NAS Alameda, CA (2)
NAS Moffett Field, CA
NAS North Island, CA (2)
NCBC Port Hueneme, CA (4)
NCS Stockton, CA (1)
NRTF Dixon, CA (1)
NS Long Beach (NSYD LB), CA (1)
NS San Diego, CA (3)
NSY Hunters Point, CA
NWIRP Pomona, CA
NWS China Lake, CA (11)
NWS Concord, CA
NWS Fallbrook Annex, CA (2)
NWS Seal Beach, CA (7)
PMTC Point Mugu, CA (3)
Air Force Plant 19, San Diego, CA
Air Force Plant 42, Palmdale, CA
Travis AFB, CA

Fitzsimmons Army Med Center, CO (1)
Ft. Carson, CO
Air Force Plant PJKS, Denver, CO
Lowry AFB, CO (2)

NWIRP Bloomfield, CT

Ft. McNair, DC
Naval Research Lab, DC (1)

Dover AFB, DE (1)

NAS Key West, FL (3)
NAS/PWC Pensacola, FL (2)
Cape Canaveral, FL
Homestead AFB, FL
Patrick AFB, FL (2)

Ft. Gordon, GA (1)
Ft. McPherson, GA
Ft. Steward, GA
Hunter Army Airfield, GA
MCLB Albany, GA (5)
Air Force Plant 6, Marietta, GA (1)
Moody AFB, GA (1)

Naval Complex, GU (7)

Ft. Kamehameha, HI (2)
Ft. Shafter, HI
Kapalama Mil Res, HI
Kilauea Mil Res, HI
Makua Mil Res, HI
Pohakuloa Training Area, HI
Schofield Barracks, HI (1)
Tripler Army Medical Center, HI
MCAS Kaneohe, HI (4)
NAS Barbers Point, HI (3)
Hickam AFB, HI (1)
Wheeler AFB, HI (1)

Mt. Home AFB, ID

Chanute AFB, IL (1)
O'Hare IAP, IL
Scott AFB, IL

Ft. Benjamin Harrison, IN

Ft. Leavenworth, KS
Ft. Riley, KS

Ft. Knox, KY
NOS Louisville, KY (1)

Ft. Polk, LA
Peason Ridge, LA
England AFB, LA (4)

NIROP Pittsfield, MA
NWIRP Bedford, MA
Air Force Plant 28, Everett, MA
Air Force Plant 29, Lynn, MA
Hanscom AFB, MA (4)
Otis ANGB, MA

Aberdeen Prvg Grnd (Aberdeen Area), MD (1)
Phoenix Nike Site, MD
Walter Reed Army Med Ctr, MD
NATC, Patuxent River, MD (6)
Navy, Bloodsworth Island, MD (1)
NOS Indian Head, MD (2)
NRL Cheaspeake Beach, MD (1)
NSWC, White Oak, MD (1)
Andrews AFB, MD (2)

NAS Brunswick, ME (5)
NSYD Kittery, ME (1)
(Portsmouth, NH)

Selfridge ANGB, MI

NIROP St. Paul, MN
Minneapolis/St. Paul AFB IAP, MN (1)
Ft. Leonard Wood, MO (1)
NWIRP St. Louis, MO
Richards-Gebaur AFB, MO (1)

Mississippi AAP, MS
NCBC Gulfport, MS (5)
Columbus AFB, MS (1)
Keesler AFB, MS (3)

Ft. Missoula, MT

MCAS Cherry Point, NC (12)
MCB Camp Lejeune, NC (13)
Pope AFB, NC (1)

McGuire AFB, NJ

Air Force Plant 83, Albuquerque, NM
Cannon AFB, NM (1)
Holloman AFB, NM (1)

Ft. Hamilton, NY
Ft. Tilden, NY
Ft. Totten, NY
Ft. Wadsworth, NY
Stewart Annex, NY
West Point Mil Res, NY
NS Brooklyn, NY
NWIRP Bethpage, NY
NWIRP Calverton, NY
Air Force Plant 59, Binghamton, NY
Air Force Plant 38, Buffalo, NY
Air Force Plant 49, Buffalo, NY
Niagara AP, NY

Air Force - Youngstown MAP Ohio, OH (1)
Air Force Plant 85, Columbus, OH
NWIRP Toledo, OH

Air Force Plant 3, Tulsa, OK
Altus AFB, OK
Vance AFB, OK (1)

DFAE Carlisle, PA (1)
Naval Base & NSY Philadelphia, PA (3)

Ft. Buchanan, PR
NS Roosevelt Roads, PR (11)

NAS Charlestown, RI (1)
NAS Quonset Point, RI (1)
NCBC Davisville, RI (2)
MCAS Beaufort, SC (2)
MCRD Parris Island, SC
Naval Weapons Station, Charleston, SC
Charleston AFB, SC (1)
Shaw AFB, SC (2)
McEntire ANGB, SC

NAS Memphis, Millington, TN (15)
NWIRP Bristol, TN
Arnold Air Force Station, TN (1)

Camp Bullis, TX
Canyon Lake Recreation Area, TX
Ft. Bliss, TX
Ft. Sam Houston, TX
NAS Corpus Christi, TX (2)
NWIRP Dallas, TX
Bergstrom AFB, TX (2)
Brooks AFB, TX (1)
Ellington AFB, TX (1)
Goodfellow AFB, TX (1)
Lackland AFB, TX (3)
Laughlin AFB, TX (1)
Randolph AFB, TX (2)
Reese AFB, TX (2)
Sheppard AFB, TX (1)

Ft. Douglas, UT
NIROP Magna, UT
Air Force Plant 78, Brigham City, UT

Arlington Hall Station, VA
Cameron Station, VA
Ft. Myer, VA
Marine Corps Base, Quantico, VA (5)
Norfolk Naval Shipyard, Portsmouth, VA (13)
NRTF Suffolk, VA (2)
NSC Cheatham Annex, VA (3)
NSC Yorktown, VA
NWS Yorktown, VA (11)

Ft. Lewis, WA
Yakima Firing Range, WA
NSB Bangor, WA (1)
NSC Puget Sound, Manchester, WA (1)
NUWES, Hadlock, WA (1)
NUWES, Keyport, WA (1)
Puget Sound Naval Shipyard, Bremerton, WA (4)

Ft. McCoy, WI (1)
Billy Mitchell Field, Milwaukee, WI (1)
Volk Field, WI

SECTION 5 - List of DoD Installations With Action Completed or IR Effort Not Required

The following list of DoD installations are not part of the IR program. For some installations, Phase I or Phase II evaluations have already been completed and no further action is required. In some instances, remedial action has been completed. For others, it has been determined that IR program effort is not required. Finally, for some installations, as noted, further investigation is planned to determine whether or not to place the installation in Phase I. Key to notes appears on page 5-6.

Gerstle River Test Site, AK (1)
Miscellaneous Air Force Stations, AK (25) (note 5)

Army Phosphate Dev Works Muscle Sch, AL (1)
Ft. McClellan, AL (2) (note 3)
U.S. Army Missle Cmd, Huntsville, AL
(Redstone Arsenal) (2)

Corps of Eng, Little Rock, AR (1) (note 1)
Ft. Chaffee, AR
Pine Bluff Arsenal, AR (3) (note 1)

Ft. Huachuca, AZ
Navajo Depot Activity, AZ (1)
Yuma Proving Ground, AZ (1)

Ft. Irwin, NTC, CA (1)
Oakland Army Base, CA (1)
Sacramento Army Depot, CA (1)
Sierra Army Depot, CA (1)
NAS Lemoore, CA (1) (note 1)
NAS Miramar, CA (3) (note 1)
NIROP Sunnyvale, CA (note 1)
NRMC Oakland, CA (1) (note 1)
NS Treasure Island, CA (1) (note 1)
NSC Oakland, CA (1) (note 1)
NSC SD Pt. Loma Annex, CA (1) (note 1)
Beale AFB, CA (1) (note 1)
Castle AFB, CA (1) (note 1)
Defense Depot, Tracy, CA
DFSP Norwalk, CA (1)
DFSP San Pedro, CA (1)

Pueblo Depot Activity, CO (1)

Stratford Army Engine Plant, CT

Camp Simms, DC	
Naval District Washington (WNY), DC (1)	(note 4)
Pea Patch Island, DE	
ARRCOM Orlando Facility, FL	
NAS Cecil Field, FL (1)	(note 1)
NAS Whiting Field, FL (5)	(note 1)
NSC Jacksonville, FL	(note 1)
DFSP Tampa, FL	
Ft. Benning, GA	
NSSB Kings Bay, GA (4)	(note 1)
Ft. Sheridan, IL	
Rock Island Arsenal, IL (1)	
Crane Army Ammunition Activity, IN	
Jefferson Proving Ground, Madison, IN (2)	
Newport AAP, IN (2)	
Kansas AAP, KS (2)	(note 3)
NAS Olathe, KS (2)	(note 1)
Def. Ind. Plant Equip. Fac., Atchison, KS	
Ft. Campbell, KY	
AMMRC, MA (1)	
Ft. Devens, MA (1)	
Boston Naval Shipyard, Charlestown, MA (1)	(notes 2 and 4)
Blossom Pt. Field Test Fac, MD (1)	
Ft. Detrick, MD	
Harry Diamond Laboratory, MD	
Naval Academy, Annapolis, MD (1)	(note 4)
Naval Radio Trans. Facil., Annapolis, MD (1)	(note 4)
Naval Station, Annapolis, MD (2)	(note 4)
NSF Thurmont, MD (1)	(note 4)
Loring AFB, ME (1)	(note 1)
Keweenaw Field Station, MI	
Michigan Army Missle Plant, MI	
Pontiac Storage Facility, MI	
Tank-Automotive Command Support Act, MI	
NAF Detroit, MI	(note 1)
K.I. Sawyer AFB, MI (1)	(note 1)

Lake City AAP, MO (1)	
St. Louis AAP, MO	
St. Louis Ordnance Plant, MO (1)	
Weldon Spring Chemical Plant, MO	
Weldon Spring Training Area, MO (1)	
USAE WES Vicksburg, MS (1)	(note 1)
Malmstrom AFB, MT (4)	(note 1)
Camp MacKall, NC	
Ft. Bragg, NC (1)	
Sunny Point Military Ocean Terminal, NC	
Tarheel Army Missle Plant, NC	
Grand Forks AFB, ND (4)	(note 1)
Minot AFB, ND (2)	(note 1)
DFSP Grand Forks, ND (1)	
Naval Reserve Center, Lincoln, NE (1)	(note 4)
Offutt AFB, NE (1)	(note 1)
Pease AFB, NH (1)	(note 1)
ERADCOM Flight Test Activity, NJ	
Ft. Dix, NJ	
Ft. Monmouth, NJ	
Picatinny Arsenal, NJ (1)	(note 3)
NAPC Trenton, NJ (1)	(note 1)
Ft. Wingate Depot Act, NM (1)	
White Sands Missle Range, NM (2)	
Hawthorne AAP, NV	
NAS Fallon, NV	(note 1)
Watervliet Arsenal NY	(note 3)
Camp Hero Military Reservation Montauk Pt. - NDIV NAVFAC, NY (1)	(note 4)
NIROP Rochester, NY	(note 1)
Plattsburgh AFB, NY (1)	(note 1)
Lima Army Tank Center, OH (1)	
Ravenna AAP, OH (4)	(note 3)
NWIRP Columbus, OH (1)	(note 4)
Rickenbacker AFB, OH (1)	(note 1)
Defense Const Supply Ctr, Columbus, OH (1)	
Defense Electronic Sup Ctr, Dayton, OH (1)	

Ft. Sill, OK
McAlester AAP, OK (1)

Umatilla Depot Activity, OR (1)

Ft. Indiantown Gap, PA
Frankford Arsenal, PA
Hays AAP, PA
New Cumberland Army Depot, PA (1) (note 3)
Scranton AAP, PA
Tobyhanna Army Depot, PA (1)
SPCC Mechanicsburg, PA (3) (note 1)
NADC Warminster, PA (7)
Willow Grove ARF, PA (1) (note 1)
Defense Personnel Support Center, PA

Providence Nike Sites,RI

Charleston Army Depot, SC (1)
Ft. Jackson, SC
DFSP Charleston, SC (1)

Defense Depot, Memphis, TN (1)

Corpus Christi Army Depot, TX
Ft. Hood, TX
Fuels and Lubricant Research Lab, TX
Red River Army Depot, TX (1) (note 3)
Saginaw AAP, TX
NAS Chase Field, TX (1) (note 1)
Carswell AFB, TX (1) (note 1)
Dyess AFB, TX (1) (note 1)

Blanding Launch Area, UT
Dugway Proving Ground, UT (1)
Green River Test Site, UT
Tooele Army Depot, UT (1)
Wig Mountain Area (DPG), UT
Defense Depot.Ogden, UT (1)

Ft. A. P. Hill, VA (2)
Ft. Eustis, VA
Ft. Lee, VA (1)
Ft. Monroe, VA (1)
Ft. Pickett, VA
Ft. Story, VA
Radford AAP, VA (1) (note 3)
Woodbridge Research Facility, VA
Camp Perry, VA (1) (note 1)
FCTC Dam Neck, VA (3) (note 1)

NAB Little Creek, VA (3)	(note 1)
NAS Oceana, VA (5)	(note 1)
Navy Camp Pendleton, VA (1)	(note 1)
Navy Maint. Area, Arlington, VA (1)	(note 4)
Navy St. Juliens Creek Annex, VA (14)	
U.S. Navy, Portsmouth, VA (2)	(note 1)
Ethan Allen Firing Range, VT	
Air National Guard, Burlington, VT (1)	(note 1)
NAS Whidbey Island, WA (3)	(note 1)
Fairchild AFB, WA (1)	(note 1)
DFSP Mukilteo, WA (1)	
Badger AAP, WI (2)	
NRS Sugar Grove, WV (2)	(note 1)

NOTES

note 1	Not currently part of formal installation restoration program, but under evaluation for possible later inclusion.
note 2	Land formerly owned by DoD.
note 3	Re-evaluation is underway or planned.
note 4	Not a candidate for Phase I. Sites reported on CERCLA 103(c) notifications will be investigated by regional Navy environmental engineers.
note 5	These stations' waste source is sanitary refuse with mixed municipal wastes the only product. As such, they were not required to be reported under CERCLA 103(c) and should be deleted. No requirements for installation restoration efforts have been identified.

List of Abbreviations

AAP - Army Ammuntion Plant
AFB - Air Force Base
AFP - Air Force Plant
AFR - Air Force Reserve
AFS - Air Force Station
AMMO - Ammunition
ANGB - Air National Guard Base
DFSP - Defense Fuel Support Point
DLA - Defense Logistics Agency
FAC - Facility
FCTC - Fleet Combat Training Center
Ft. - Fort
IAP - International Airport
MCAS - Marine Corps Air Station
MCB - Marine Corps Base
MCLB - Marine Corps Logistics Base
MCRD - Marine Corps Recruit Depot
NAB - Naval Amphibious Base
NAEC - Naval Air Engineering Center
NAF - Naval Air Facility
NARL - Naval Arctic Research Laboratory
NAS - Naval Air Station
NAV - Naval
NCBC - Naval Construction Battalion Center
NCS - Naval Communications Station
NDIV - Northern Division, Naval Facilities Engineering Command

NIROP - Naval Industrial Reserve Ordnance Plant

NOS - Naval Ordnance Station

NRMC - Naval Regional Medical Center

NRS - Naval Radio Station

NRTF - Naval Radio Transmitting Facility

NS - Naval Station

NSB - Naval Submarine Base

NSC - Naval Supply Center

NUSC - Naval Underwater Systems Center

NUWES - Naval Underwater Weapons Engineering Station

NSYD - Naval Shipyard

NWIRP - Naval Weapons Industrial Reserve Plant

NWS - Naval Weapons Station

R&D - Research and Development

SUB - Submarine

USAE WES - US Army Engineers Waterways Experiment Station

USMC - US Marine Corps

Please provide copies of the calendars of Miss Rita M. Lavelle and her secretary for calendar year 1983.

1983 United States Government APPOINTMENT BOOK

February 1983

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

Week Ending January 2

NEW YEAR'S DAY

THURSDAY, DECEMBER 30	FRIDAY, DECEMBER 31	SATURDAY, JANUARY 1 1
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	
5:15	5:15	SUNDAY, JANUARY 2 2
5:30	5:30	
5:45	5:45	
6	6	
6:15	6:15	
6:30	6:30	
6:45	6:45	
7	7	
7:15	7:15	
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7:45	7:45	

3 Week Beginning January

January						1983
S	M	T	W	T	F	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MONDAY, JANUARY 3 3	TUESDAY, JANUARY 4 4	WEDNESDAY, JANUARY 5 5
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45 Kansas
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9 OSWER Senior Staff	9
9:15	9:15 Meeting	9:15 City
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30 Carolyn Farran	10:30	10:30
10:45 "The Lecture" Jack Anderson	10:45	10:45
11	11	11 Missouri
11:15	11:15	11:15
11:30 Don Emig Farewell Party	11:30	11:30
11:45 Hyatt Arlington	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30 Jane [illegible] Lunch	12:30
12:45	12:45 Bailey Mtg	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2 Ana Pineda, [illegible]	2
2:15	2:15 Pr. 0338-0'D's	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3 Conf. Call, Hernandez	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4 RCRA 3012	4	4
4:15 Hedeman - et. al	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5 John Daniel	5
5:15	5:15	5:15
5:30 Rich Procurement	5:30	5:30
5:45 Hernandez [illegible]	5:45	5:45
6	6	6
6:15	6:15	6:15
6:30	6:30	6:30
6:45	6:45	6:45
7	7	7
7:15	7:15	7:15
7:30	7:30 Lv for Missouri	7:30
7:45	7:45	7:45

February						1983
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

Week Ending January 9

	THURSDAY, JANUARY 6 6	FRIDAY, JANUARY 7 7	SATURDAY, JANUARY 8 8
7			
7:15			
7:30			
7:45			
8			
8:15			
8:30	John Johnson Sacramento		
8:45	Bee		
9	Space meeting - O'D's		
9:15	Chad, Nancy		
9:30			
9:45			
10			
10:15			
10:30	Missouri Delegation	White House Meeting	
10:45	Rm 137-H Capitol	Dixon (Gene Beck)	
11	Redmon, Diane		
11:15			
11:30			
11:45			
12	Lunch - Col. Tuttle		
12:15	Jo & Mo's		
12:30			
12:45			
1			
1:15			
1:30			
1:45			
2			
2:15			
2:30	Dean Moran for [illegible]	Earl ?	
2:45	[illegible]		
3			
3:15			
3:30			
3:45			
4	Olin - Tregoning	FEEMA Dr Brandt.	
4:15	Karp		
4:30			
4:45			
5			SUNDAY, JANUARY 9 9
5:15			
5:30			
5:45			
6			
6:15			
6:30			
6:45			
7		Jockey Club	
7:15			
7:30			
7:45			

10 Week Beginning January

January						1983
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

	MONDAY, JANUARY 10 10	TUESDAY, JANUARY 11 11	WEDNESDAY, JANUARY 12 12
7			
7:15			
7:30			
7:45			
8			
8:15			
8:30	Community Relations		Lamar Miller
8:45	Lederman, Kort, Voss,		
9		Earl Voss	John Dezick, Stump
9:15			Canon, Yamataka, Kevin
9:30	OSWEC Senior Staff		U of Illinois VP
9:45			AMF
10			
10:15			
10:30			
10:45			
11			
11:15			
11:30			
11:45			
12	Stevens, KEH	Jean Pierre - Joe Oakley	John Quarrels - Lunch
12:15	Heart Association	1835 K St.	Emita 872-5118
12:30	Susan [illegible], Lehman	466-2022	
12:45	Weddle, et, al.		
1			
1:15			
1:30			
1:45			
2	Dave Moran Tom Doerner		Interdependencies
2:15	Personnel Matters		[illegible], Brown, Kort,
2:30			[illegible] Lucas, Lederman
2:45			Rm 1001
3		Kort	
3:15			
3:30			
3:45			
4	Community Relations	Interview N.Y. Times	Victory Corp.
4:15	[illegible] Elaine,	Wayne Biddle	[illegible] Luxembourg, Lorenzo
4:30	Dana,		
4:45			
5		Pre-Briefing -	Kort
5:15		Interdependencies	
5:30		of '83's Kort - Weyland	
5:45			
6			Tim Burns
6:15			
6:30			
6:45			
7			
7:15			
7:30		Dave Roll - Dinner	
7:45		Toscanini Rest.	

Penn. 2/3

February						1983
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

Week Ending January 16

THURSDAY, JANUARY 13 13	FRIDAY, JANUARY 14 14	SATURDAY, JANUARY 15 15
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30 John Prim	8:30
8:45	8:45	8:45
9 Gene Blaze, Jane	9 Space Meeting	9
9:15 Eigler, Pacific Gas	9:15 O'D's Fred, Nancy	9:15
9:30 & Electric	9:30	9:30
9:45	9:45	9:45
10 Western Sand & Gravel	10 Don Clarke, Klevens	10
10:15 Co. I - Mel Holman, Pres	10:15 NA	10:15
10:30 [illegible], Bolanga,	10:30	10:30
10:45 Elaine	10:45	10:45
11	11 WBZ-TV-Boston	11
11:15	11:15 Francine Quehtar	11:15
11:30 Dan Clem Spills	11:30 S/F - Love Canal - Paranel	11:30
11:45 Photo's - [illegible]	11:45 [illegible]	11:45
12	12	12
12:15	12:15	12:15
12:30 Bob Tuttle	12:30	12:30
12:45 Jo + Mo's	12:45	12:45
1	1 Elaine Dunn	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2 Missouri Dioxin	2
2:15	2:15 Hedeman et al.	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3 Interview - Haz.	3	3
3:15 Materials & Waste Mgt.	3:15	3:15
3:30 Margaret Nance.	3:30	3:30
3:45	3:45	3:45
4 Mining Wastes O'D's	4 [illegible]	4 7 PM
4:15	4:15 8401 Clifton Ave	4:15
4:30	4:30 Suite 4	4:30 Dinner Marty Peterson
4:45	4:45 Silver Spring, [illegible]	4:45
5 Section 60 Rule	5	SUNDAY, JANUARY 16 16
5:15 Geoffin - Lockhart,	5:15	
5:30 Don Barns, Skinner,	5:30	
5:45 Hedeman	5:45	
6	6	
6:15	6:15	
6:30	6:30	
6:45	6:45	
7	7	
7:15	7:15	
7:30	7:30	
7:45	7:45	

17 Week Beginning January

January						1983
S	M	T	W	T	F	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MONDAY, JANUARY 17 17	TUESDAY, JANUARY 18 18	WEDNESDAY, JANUARY 19 19
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30 [illegible]
8:45	8:45	8:45 [illegible]
9	9 Monica Burson	9 Skinner, Fielmar
9:15	9:15	9:15 Langley, Daniel
9:30	9:30	9:30
9:45	9:45	9:45
10 Awards Ceremony	10 Cost Sharing	10 [illegible] Awards Ceremony
10:15	10:15 Hedeman, Lamberca,	10:15 Dept. of State
10:30	10:30 Ingold	10:30 Citizenship
10:45	10:45	10:45
11	11 Kathy Zimmerman	11 Dick Whittington
11:15	11:15 McNeil TV-Interview	11:15 Fri: Ft. Smith Arkansas
11:30	11:30 Mike Segal	11:30
11:45	11:45	11:45
12	12	12 Bill [illegible]
12:15	12:15	12:15 Sandwiches
12:30	12:30	12:30
12:45	12:45	12:45
1	1 Steve Weinberg.	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2 AMG - Rita's	2 F Y 84 General Mgt.
2:15	2:15 OD's	2:15 Expenditures O.E.'s
2:30	2:30	2:30 Pay Level of People.
2:45	2:45	2:45 [illegible] Kragan
3 [illegible] House, Hedeman	3	3
3:15 Get Clearance —	3:15	3:15
3:30 Ed Harper, Jim Jenkins, Fell[illegible]	3:30	3:30
3:45	3:45	3:45
4	4	4 Planning Issues
4:15	4:15	4:15 Barry, Chip, Rita
4:30	4:30	4:30
4:45	4:45	4:45
5	5	5
5:15	5:15	5:15
5:30 [illegible]	5:30	5:30
5:45	5:45	5:45
6	6	6
6:15	6:15	6:15
6:30	6:30	6:30
6:45	6:45	6:45
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45

February 1983

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
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Week Ending January 23

THURSDAY, JANUARY 20 20

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10
10:15
10:30
10:45
11
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12
12:15
12:30
12:45
① Pres. Forum –
1:15
1:30
1:45
2
2:15
2:30
2:45
3 Briefing – Anderson
3:15
3:30
3:45
4
4:15
4:30
4:45
5
5:15
5:30
5:45
6 Appropriations Committee. Dinner
6:15
6:30
6:45
7
7:15
7:30
7:45

FRIDAY, JANUARY 21 21

7
7:15
7:30
7:45
8 OP Program Review
8:15
8:30
8:45
9
9:15
9:30
9:45
10
10:15
10:30
10:45
11
11:15
11:30
11:45
12
12:15
12:30
12:45
① Dick Valentinetti
1:15 Gen Discussion
1:30 Waste Mgt. Officials
1:45
2
2:15
2:30
2:45
3
3:15
3:30
3:45
4
4:15
4:30
4:45
5
5:15
⑸:30 DAA's Mgt. Meeting
5:45
6 Jefferson Hotel
6:15 Jefferson Rm
6:30 16th & M N.W.
6:45
7
7:15
7:30
7:45

SATURDAY, JANUARY 22 22

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4:30
4:45

SUNDAY, JANUARY 23 23

24 Week Beginning January

January						1983
S	M	T	W	T	F	S
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2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MONDAY, JANUARY 24	24	TUESDAY, JANUARY 25	25	WEDNESDAY, JANUARY 26	26
7		7		7	
7:15		7:15		7:15	
7:30		7:30		7:30	
7:45		7:45		7:45	
8		8	[illegible]	8	
8:15		8:15	Al Hill = 15th + 16th	8:15	
8:30		8:30	on H.	8:30	ORD/OSWER 7483
8:45		8:45		8:45	Program Review
9		9		9	[illegible] Dry Run
9:15		9:15		9:15	
9:30	CMA - Skinner	9:30		9:30	Assure
9:45	Jannuch Re RCRA	9:45		9:45	
10		10	[illegible]	10	
10:15		10:15	[illegible]	10:15	Program
10:30		10:30	Strategy Re Briefing	10:30	
10:45		10:45		10:45	
11		11		11	
11:15		11:15		11:15	Strategy
11:30		11:30		11:30	
11:45		11:45		11:45	
12		12		12	
12:15		12:15		12:15	
12:30		12:30		12:30	
12:45		12:45		12:45	
1	[illegible]	1	Phil Shabecoff	1	
1:15	Apt. 830 [illegible] C St	1:15	N.Y. Times	1:15	
1:30		1:30		1:30	
1:45		1:45		1:45	
2		2	Dr Daniel Rosenblatt	2	
2:15		2:15	Col Derwig - OFA	2:15	
2:30		2:30		2:30	
2:45		2:45		2:45	
3	Mining Waste +	3		3	
3:15	Utilities	3:15	Col Daley, ODs, Kurt,	3:15	
3:30	Skinner, [illegible]	3:30	Fed. Facilities	3:30	
3:45	[illegible]	3:45		3:45	
4		4		4	
4:15		4:15		4:15	
4:30		4:30		4:30	
4:45		4:45		4:45	
5	[illegible] Legal	5		5	
5:15		5:15		5:15	
5:30		5:30		5:30	Mayor's N.C. Welcome
5:45		5:45		5:45	[illegible]
6		6	White House	6	[illegible] (S.L. [illegible]) Nat'l
6:15		6:15	450 OEB	6:15	Conf. Mayors [illegible]
6:30		6:30		6:30	
6:45		6:45		6:45	
7		7		7	
7:15		7:15		7:15	
7:30		7:30		7:30	

RITA M. LAVELLE

TENTATIVE SCHEDULE - FEBRUARY 1 - 4, 1983

TUESDAY, FEB. 1

9:00 am — Cecil County, Md. review of director's script (Tejada, Ingold, VanCleave, Riley)
10:00 am — '83 Contracting (Schulof, Mahan, Polly, Juszczak)
12:00 noon — American Mining Congress Luncheon
2:00 pm — Drew Moran
4:15 pm — Voluntary Clean Up (Lucero, Montrone)
Dinner

WEDNESDAY, FEB. 2

ORD/OSWER PROGRAM REVIEW — ALL DAY

THURSDAY, FEB. 3

ORD/OSWER PROGRAM REVIEW — MORNING ONLY

FRIDAY, FEB. 4

10:00 am — Ray Hunter, California Mining Association
11:00 am — Cong. Robert Whittaker re Tar Creek (Hedeman ????)
5:30 pm — American Chemical Society Reception

February						1983
S	M	T	W	T	F	S
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20	21	22	23	24	25	26
27	28					

Week Ending January 30

THURSDAY, JANUARY 27 27	FRIDAY, JANUARY 28 28	SATURDAY, JANUARY 29 29
7	7	7
7:15 Regional Air & Water	7:15 Directors Meeting	7:15
7:30	7:30	7:30
7:45 Per Margie	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9 Lee Thomas, [illegible]	9	9
9:15 Ferrara - Times Beach	9:15	9:15
9:30 People	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4 Anniversary Ball
4:15	4:15	4:15 GFWC International
4:30	4:30	4:30 Ballroom - Wash Hilton.
4:45	4:45	4:45
5	5	
5:15	5:15	SUNDAY, JANUARY 30 30
5:30	5:30	
5:45	5:45	
6	6	
6:15	6:15	
6:30	6:30	
6:45	6:45	
7	7	
7:15	7:15	
7:30	7:30	
7:45	7:45	

31 Week Beginning January

January						1983
S	M	T	W	T	F	S
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

MONDAY, JANUARY 31	31	TUESDAY, FEBRUARY 1	32	WEDNESDAY, FEBRUARY 2	33
7		7		7	ORD Program Review
7:15		7:15		7:15	
7:30		7:30		7:30	
7:45		7:45		7:45	
8		8		8	
8:15		8:15		8:15	
8:30		8:30		8:30	Requirements &
8:45		8:45		8:45	Strategy - Pruitt
9		9		9	
9:15		9:15		9:15	
9:30		9:30		9:30	
9:45		9:45		9:45	
10		10		10	
10:15		10:15		10:15	
10:30		10:30		10:30	
10:45		10:45		10:45	
11		11		11	
11:15		11:15	F.M.C. - Luncheon	11:15	
11:30:		11:30		11:30	
11:45		11:45		11:45	
12	Peter Bethe David	12		12	
12:15	Kean, Old Town	12:15		12:15	
12:30		12:30		12:30	
12:45		12:45		12:45	
1		1		1	
1:15		1:15		1:15	
1:30		1:30		1:30	
1:45		1:45		1:45	
2	Press Conf on 84 Budget	2	[illegible]	2	
2:15		2:15	Rm 1111 W - 83 Contracts	2:15	
2:30		2:30		2:30	
2:45		2:45		2:45	
3	ORD/OSWER Program	3		3	
3:15	Review / Kent, Bohner	3:15		3:15	
3:30		3:30		3:30	
3:45		3:45		3:45	
4	Morgan Kinghorn	4		4	
4:15		4:15		4:15	
4:30		4:30		4:30	
4:45		4:45		4:45	
5		5		5	Elaine, Hedeman
5:15		5:15		5:15	Missouri
5:30		5:30		5:30	
5:45		5:45		5:45	
6	[illegible]	6	Georgetown Club	6	
6:15	Marty Peterson	6:15	Ed Gross, St Albans	6:15	
6:30		6:30	Judy Landfield, Chip	6:30	
6:45		6:45		6:45	
7		7		7	
7:15		7:15		7:15	
7:30		7:30		7:30	
7:45		7:45		7:45	

March						1983
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Week Ending February 6

THURSDAY, FEBRUARY 3 34	FRIDAY, FEBRUARY 4 35	SATURDAY, FEBRUARY 5 36
7 OKO Program Review	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9 Cong Whittaker	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10 Ray Hunter, Calif.	10
10:15	10:15 Mining Assoc.	10:15
10:30	10:30	10:30
10:45	10:45 209-273-1129 Cov.	10:45
11	11	11
11:15	11:15 Times Beach Task	11:15
11:30	11:30 Force. – Lee Thomas	11:30
11:45 General Counsel's	11:45 FEMA (287-0340)	11:45
12 RL & Staff	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1 Cong. Jack Fields (Texas)	1 Cong. Mike Oxley (Ohio)	1
1:15 413 Cannon	1:15 110 Longworth	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3 Interview for Cecil County	3
3:15	3:15 Media, Taping	3:15
3:30	3:30 Sue Tejada	3:30
3:45	3:45	3:45
4 Chamber of Commerce	4	4
4:15 TV Interview (Sue)	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	
5:15	5:15	SUNDAY, FEBRUARY 6 37
5:30	5:30 American Chemical Society	
5:45	5:45 1155 16th St. N.W.	
6	6 Gene Lucero, Hedeman	
6:15	6:15	
6:30 Fairlane	6:30	
6:45 Ed, Mark Pilarz	6:45	
7 Reception	7	
7:15 Watergate Hotel	7:15	
7:30 [illegible] Vera, Ingvild	7:30	
7:45 Bennett, Mark Peterson	7:45	

7 Week Beginning February

February 1983

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

Time	MONDAY, FEBRUARY 7 38	TUESDAY, FEBRUARY 8 39	WEDNESDAY, FEBRUARY 9 40
7			
7:15			
7:30			
7:45			
8			
8:15			
8:30			
8:45			
9	Senior Staff	(9) Carol Dinkins - DOJ	
9:15		2143 Main Justice	
9:30			
9:45			
10			
10:15			
10:30			
10:45			
11	(11) Mr. Coles DOE	(11) Don Trelling - DOT	
11:15			
11:30			(11:30) RCRA Briefing
11:45			AA's Office
12			
12:15			
12:30			
12:45			
1	① HUD -		
1:15			
1:30		(1:30) John Krall - USDA	
1:45		242 - West Wing	
2		14+ Jefferson Dr.	② Ken Dawsey Vickey
2:15			Pierce - Cost & Revenue
2:30			in OSWER. Lew Crampton
2:45			
3			
3:15			
3:30			(3:30) OSWER Staff Meeting
3:45			
4			
4:15			
4:30			
4:45			
5			
5:15			
5:30		(5:30) AMC Reception for	
5:45		new Congressmen	
6			
6:15			
6:30			
6:45			
7			
7:15			
7:30			
7:45			

March 1983

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Week Ending February 13

	THURSDAY, FEBRUARY 10 41	FRIDAY, FEBRUARY 11 42	SATURDAY, FEBRUARY 12 43
7			
7:15			
7:30			
7:45			
8			
8:15			
8:30			
8:45			
9	Reg. Workload Analysis	Lehman, Cook, Lindsey	
9:15	OD's Division, Thad	Shutler, Land Disposal	
9:30	Kost	Litigation Response	
9:45			
10			
10:15			
10:30			
10:45			
11	Norwegian Delegation		
11:15			
11:30	Mrs. Selby - Norway		
11:45			
12			
12:15			
12:30			
12:45			
1			
1:15			
1:30			
1:45			
2		Don Goldberg (Jack	
2:15		Anderson's Office/Lucas	
2:30		Interview)	
2:45			
3	Drew Moran		
3:15			
3:30			
3:45			
4			
4:15			
4:30			
4:45			
5			
5:15			
5:30			
5:45			
6			
6:15			
6:30			
6:45			
7			
7:15			
7:30			
7:45			

SUNDAY, FEBRUARY 13 44

14 Week Beginning February

February						1983
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MONDAY, FEBRUARY 14 45	TUESDAY, FEBRUARY 15 46	WEDNESDAY, FEBRUARY 16 47
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30 OSWER Senior Staff	9:30 RCRA Permitting	9:30
9:45	9:45 Location to be Announced	9:45
10	10 Ag. South Building	10 Haz Waste Incineration
10:15	10:15 Thomas Jefferson Room	10:15 Data Base Demo.
10:30	10:30	10:30 Skinner, et. al. +
10:45	10:45	10:45 Contractor People.
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1 Lunch - ? Task force	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2 Cong Howard Nelson	2
2:15	2:15 (Utah) 229 Longworth	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15 [illegible]
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30 Reception [illegible]	4:30
4:45	4:45 Task Force - Wine	4:45
5	5 Cheese	5
5:15	5:15	5:15
5:30	5:30	5:30
5:45	5:45	5:45
6	6	6
6:15	6:15	6:15
6:30	6:30	6:30
6:45	6:45	6:45
7	7	7
7:15	7:15	7:15
7:30	7:30 Tyrie Mason	7:30
7:45	7:45 [illegible]	7:45

Bill [illegible]

March						1983
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Week Ending February 20

THURSDAY, FEBRUARY 17 48	FRIDAY, FEBRUARY 18 49	SATURDAY, FEBRUARY 19 50
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30 Mike - Shot.	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	SUNDAY, FEBRUARY 20 51
5:15	5:15	
5:30	5:30	
5:45	5:45	
6	6	
6:15	6:15	
6:30	6:30	
6:45	6:45	
7	7	
7:15	7:15	
7:30	7:30	
7:45	7:45	

21 Week Beginning February

February						1983
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

GEORGE WASHINGTON'S BIRTHDAY

MONDAY, FEBRUARY 21 52	TUESDAY, FEBRUARY 22 53	WEDNESDAY, FEBRUARY 23 54
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30 ORD Risk Assessment
8:45	8:45	8:45 Review
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	5
5:15	5:15	5:15
5:30	5:30	5:30
5:45	5:45	5:45
6	6	6
6:15	6:15	6:15
6:30	6:30	6:30
6:45	6:45	6:45
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45

March						1983
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Week Ending February 27

THURSDAY, FEBRUARY 24 55	FRIDAY, FEBRUARY 25 56	SATURDAY, FEBRUARY 26 57
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12 Lunch - Don Ferguson	12
12:15	12:15 Perception of OPA	12:15
12:30	12:30 External Affairs Office	12:30
12:45	12:45 & Issues System	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30 (382-4332 - Kim)	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	SUNDAY, FEBRUARY 27 58
5:15	5:15	
5:30	5:30	
5:45	5:45	
6	6	
6:15	6:15	
6:30	6:30	
6:45	6:45	
7	7	
7:15	7:15	
7:30	7:30	
7:45	7:45	

28 Week Beginning February

March						1983
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MONDAY, FEBRUARY 28 59	TUESDAY, MARCH 1 60	WEDNESDAY, MARCH 2 61
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8 [illegible]	8
8:15	8:15 Breakfast	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10 H. A. Meeting
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2 House Appropriation	2
2:15	2:15 Meeting	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	5
5:15	5:15	5:15
5:30	5:30	5:30
5:45	5:45	5:45
6	6	6
6:15	6:15	6:15
6:30	6:30	6:30
6:45	6:45	6:45
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45

April 1983

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Week Ending March 6

THURSDAY, MARCH 3 62	FRIDAY, MARCH 4 63	SATURDAY, MARCH 5 64
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10 House Approp.	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	SUNDAY, MARCH 6 65
5:15	5:15	
5:30	5:30	
5:45	5:45	
6	6	
6:15	6:15	
6:30	6:30	
6:45	6:45	
7	7	
7:15	7:15	
7:30	7:30	
7:45	7:45	

7 Week Beginning March

March						1983
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MONDAY, MARCH 7 66	TUESDAY, MARCH 8 67	WEDNESDAY, MARCH 9 68
7	7	7
7:15	7:15 Regional Adv. Meeting Rm 1113 WT	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	5
5:15	5:15	5:15
5:30	5:30	5:30
5:45	5:45	5:45
6	6	6
6:15	6:15	6:15
6:30	6:30	6:30
6:45	6:45	6:45
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45

April						1983
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Week Ending March 13

THURSDAY, MARCH 10 69	FRIDAY, MARCH 11 70	SATURDAY, MARCH 12 71
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12 Tom Tuttle - Lunch	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
1:15	1:15	1:15
1:30	1:30	1:30
1:45	1:45	1:45
2	2	2
2:15	2:15	2:15
2:30	2:30	2:30
2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	SUNDAY, MARCH 13 72
5:15	5:15	
5:30	5:30	
5:45	5:45	
6	6	
6:15	6:15	
6:30	6:30	
6:45	6:45	
7	7	
7:15	7:15	
7:30	7:30	
7:45	7:45	

14 Week Beginning March

March						1983
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

MONDAY, MARCH 14 73	TUESDAY, MARCH 15 74	WEDNESDAY, MARCH 16 75
7	7	7 Allied Corp.-Luncheon
7:15	7:15	7:15 Baton Rouge La.
7:30	7:30	7:30
7:45	7:45	7:45
8	8	8
8:15	8:15	8:15
8:30	8:30	8:30
8:45	8:45	8:45
9	9	9
9:15	9:15	9:15
9:30	9:30	9:30
9:45	9:45	9:45
10	10	10
10:15	10:15	10:15
10:30	10:30	10:30
10:45	10:45	10:45
11	11	11
11:15	11:15	11:15
11:30	11:30	11:30
11:45	11:45	11:45
12	12	12
12:15	12:15	12:15
12:30	12:30	12:30
12:45	12:45	12:45
1	1	1
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2:45	2:45	2:45
3	3	3
3:15	3:15	3:15
3:30	3:30	3:30
3:45	3:45	3:45
4	4	4
4:15	4:15	4:15
4:30	4:30	4:30
4:45	4:45	4:45
5	5	5
5:15	5:15	5:15
5:30	5:30	5:30
5:45	5:45	5:45
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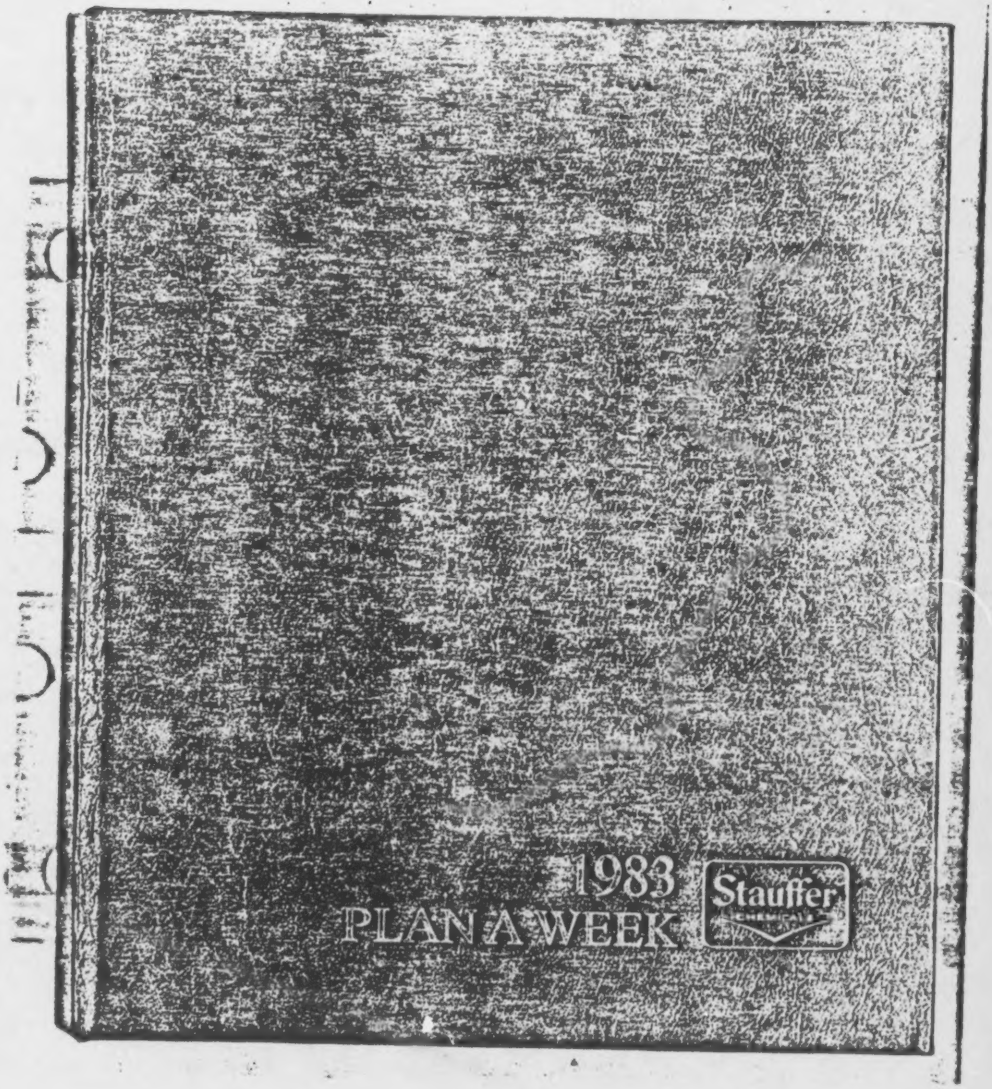
6:45	6:45	6:45
7	7	7
7:15	7:15	7:15
7:30	7:30	7:30
7:45	7:45	7:45

SECRETARY'S CALENDAR


1983
PLAN A WEEK
Stauffer

JANUARY

It has been estimated that there are more than 4 million chemical compounds in existence. More than 63,000 of them are commonly used by industry service organizations and the public throughout the world.

Stauffer

Monday 3

8

9

10
11:00 Carolyn Farrar
"The Future" (Jack [illegible])

11 ✓
11:30 Don [illegible] - Lunch
Hyatt Arlington
Rosslyn

12

1

2
3:00 Conf call in
Kennedy - Marinni [illegible]
[illegible]

3

4
4:30 Shad - Performance
Standards

5

6

Bio on Rinaldo + Sites in district

Tuesday 4

8
Susan - Western Sen & [illegible]

⑨ OSWER Senior
Staff

10

11

12
12:30 Jane Creighton
[illegible] - 466-7980

1 Barley, Mae

② Rita Horton
Matt Rinaldo
S/F Sites N.J.

3 [illegible], [illegible]
[illegible]
Rayburn Rm 2338

4 Barry
Shad

5 Margy

6

7:15 TWA

Wednesday 5

8

9 Kansas City MO

10

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Thursday 6

8
8:30 John Johnson/Sacramento
Bee

⑨ Space Meeting
Heiman, Lucero, [illegible]
Outlook, [illegible]

10 Barry
10:30 Mr. [illegible] Rm 137-H
Capitol - Hedeman, [illegible]

11

12 Level, Bob Little
Jo - N.O.'s

1

2
2:30 [illegible]

3 Personal Matters
Tom Donnie

4
4:30
Barry Kort, Ali Irving

5
6:30

6

Friday 7

8 7 Shuttle
N.Y.

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5 Shuttle

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Saturday 8

Sunday 9

DECEMBER

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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JANUARY

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FEBRUARY

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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27	28					

JANUARY

Stauffer plans to spend $58.9 million on research and development in 1982, up from $50.6 million in 1981.

Stauffer

Monday 10

8:30 Hedeman - [illegible], Knt. Community Relations

9:30 OSWER Staff Meeting

10

11

⑫ Shimer, RCRA Reauthorization Susan Brown, Lehman, [illegible] et. al.

1

1:30

② Drew Mason, Tom Donner, Personnel Matters

3

4

4:30 Lt. Gov. Kenneth Rothman re Dioxin

5 Missouri

6

Tuesday 11

8 Labor Dept

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Wednesday 12

8

9:15 - OPA - SF Conf. on Community Relations RL) Speech - Talking Pts. ~~[illegible]~~

10

11

⑫ Lunch - Bonita Hill - Natl. J. Daniels 872-5118

1

② Interdependencies Perry, Byron, Karb, [illegible], Lucero, Heckman Rm 1037

3

4

5

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Thursday 13

8

9

⑩ Western Sand & Gravel - Reg I Will Hoffman Heckman, Russ

11 Sue [illegible] - Chair

12

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Friday 14

8

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4 GRCDA Open House

5

6

Saturday 15

Sunday 16

Lt. Gov. Rothman
Contact Susan Lewis
624-7720

DECEMBER

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JANUARY

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FEBRUARY

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Stauffer

Chemistry accounts for one-sixth of the $34 billion spent annually on industrial research.

JANUARY

Monday 17

8 ORD Program Review
9
10 Awards Ceremony
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4 APS Mgt. Meeting
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Tuesday 18

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Wednesday 19

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Thursday 20

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6 Anniversary Committee Dinner

Friday 21

8 ORD Program Review
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Saturday 22

Sunday 23

DECEMBER

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JANUARY

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FEBRUARY

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JANUARY

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Tuesday 25
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Wednesday 26
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Most chemical industry research and development funds, about $4.6 billion invested in 1980, are spent on finding ways to meet practical challenges posed by developing new products. Some 51,800 chemical industry employees work in R & D.

Stauffer

Thursday 27
8 Reg Air & Waste Directors Meeting
Per Margie
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Friday 28
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Saturday 29

Sunday 30

DECEMBER

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JANUARY

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FEBRUARY

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JANUARY/FEBRUARY

Monday 31

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Tuesday 1

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Wednesday 2

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Corn production has doubled since 1950. Most of the increase is attributed to improved pest control.

Stauffer

Thursday 3

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Friday 4

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Saturday 5

Sunday 6

DECEMBER

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JANUARY

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FEBRUARY

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FEBRUARY

Less tillage is required when herbicides are used to grow crops, and less fuel is consumed, less soil erosion takes place, and less soil compaction occurs because fewer trips are made across the field by farm equipment.

Stauffer CHEMICALS

Monday 7

8 American Institute of Mining Engineers Colorado - Speech
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Tuesday 8

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Wednesday 9

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Thursday 10

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Friday 11

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Saturday 12

LINCOLN'S BIRTHDAY

Sunday 13

JANUARY

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FEBRUARY

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MARCH

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FEBRUARY

Assets of the food and agriculture establishment in the U.S. are estimated at more than $900 billion.

Stauffer

	Monday 14	Tuesday 15	Wednesday 16	Thursday 17	Friday 18
8	VALENTINE'S DAY		ASH WEDNESDAY		
9		9:30 RCRA Permitting [illegible] To be announced			
10					
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6		Ernie Minor Dinner Harold Flannery Bill Hozeka			

Saturday 19

Sunday 20

JANUARY						
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FEBRUARY						
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27	28					

MARCH						
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FEBRUARY

The cost of groceries could jump 50 to 75 percent without crop protection chemicals. Crop and livestock output would be reduced 30 percent and farm exports would be wiped out without the availability of these products.

Stauffer

Monday 21	*Tuesday* 22	*Wednesday* 23	*Thursday* 24	*Friday* 25
8 WASHINGTON'S BIRTHDAY	8	8	8	8
9	9	9	9	9
10	10	10	10	10
11	11	11	11	11
12	12	12	12	12
1	1	1	1	1
2	2	2	2	2
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Saturday 26

Sunday 27

JANUARY

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FEBRUARY

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MARCH

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FEBRUARY/MARCH

The future of agricultural productivity could lie in the potential discoveries of genetic engineering. Stauffer has been active in this area for several years.

	Monday 28	*Tuesday* 1	*Wednesday* 2	*Thursday* 3	*Friday* 4
8					
9					
10			(10) H.A Meeting	(10) H.A meeting	
11					
12					
1					
2		House Approp meeting			
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Saturday 5

Sunday 6

JANUARY

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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FEBRUARY

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MARCH

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MARCH

Without crop protection chemicals, 30 percent of U.S. food production would be lost to disease and insects.

Stauffer

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Tuesday 8

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Wednesday 9

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Thursday 10

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Friday 11

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Saturday 12

Sunday 13

FEBRUARY

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MARCH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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APRIL

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24	25	26	27	28	29	30

MARCH

Stauffer

Without chemical protection, spoilage would claim 23 percent of food production.

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Tuesday 15
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Wednesday 16
8 Allied Eng. Luncheon
Baton Rouge, La
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Thursday 17
8 ST. PATRICK'S DAY
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Friday 18
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Saturday 19

Sunday 20

FEBRUARY

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MARCH

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APRIL

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MARCH

In the early 1900's, it took 40 work-hours and 2½ acres of land to produce 100 bushels of corn. Today, with crop protection chemicals and fertilizers, 100 bushels of corn require only three hours of labor and an acre or less of land.

Stauffer

Monday 21	*Tuesday* 22	*Wednesday* 23	*Thursday* 24	*Friday* 25	*Saturday* 26
8	8	8	8	8	
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10	10	10	10	10	
11	11	11	11	11	
12	12	12	12	12	
1	1	1	1	1	*Sunday* 27
2	2	2	2	2	PALM SUNDAY
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4	4	4	4	4	
5	5	5	5	5	
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FEBRUARY

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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20	21	22	23	24	25	26
27	28					

MARCH

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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27	28	29	30	31		

APRIL

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MARCH/APRIL

It is estimated that without herbicides, 10 million temporary laborers would be needed for three to four weeks a year to hoe weeds from corn. These are the weeds that remain after power equipment has been used for tilling.

Stauffer

Monday 28

8 Education Board
[illegible]
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Tuesday 29

8 PASSOVER
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Wednesday 30

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Thursday 31

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Friday 1

8 GOOD FRIDAY
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Saturday 2

Sunday 3

EASTER

FEBRUARY

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13	14	15	16	17	18	19
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MARCH

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
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APRIL

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The law requires that governmental responses be cost effective. This requirement does not apply to actions taken by or required, through lawsuit or otherwise, of owners, operators and generators.

Please provide copies of all policy guidance documents, whether draft or final, prepared by any agency of the Executive Branch relating to this issue.

Also please provide copies of all communications received from the Chemical Manufacturers Association, its representatives, its member companies or their representatives on this subject.

Please also state whether the Agency has received guidance from the Office of Management and Budget, the Office of the Vice President, or the White House in the development of this policy.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DRAFT

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Extent of Remedy Under the National Contingency Plan

FROM: Gene A. Lucero, Director
Office of Waste Programs Enforcement

TO: William N. Hedeman, Director
Office of Emergency and Remedial Response

ISSUE

Will the Remedial Investigation/Feasibility Study (RI/FS) developed by OERR always provide at least one remedial alternative that is comprehensive enough to serve as the "enforcement-preferred" remedy in negotiations with responsible parties for privately-financed cleanup?

BACKGROUND

The CERCLA enforcement program seeks to secure the most comprehensive possible settlements from private parties. The NCP is, however, unclear as to whether private-party cleanup proposals must be held to the same standards as Fund-financed cleanups. While enforcement-mandated cleanups must be derived through "consideration of" the same criteria in §300.68 (e) through (j) which apply to Fund-financed remedies, a question has arisen whether they are held to exactly the same criteria and process included in §300.68.

The key question which needs to be answered is the following:

With the exception of the "balancing test" (from which private-party cleanups are exempt) must Enforcement also be bound by the cost effective remedy which is defined as "the lowest cost alternative that is technologically feasible and reliable and which effectively mitigates and minimizes damage to and provides protection of the public health, welfare, or the environment?"

DISCUSSION

OWPE can support a policy which states that privately-financed remedies must follow the same criteria as Fund-financed remedies (i.e., choose the cost effective remedy) as long as those criteria enable the RI/FS process to develop at least one remedial alternative that is comprehensive enough to serve as the basis for enforcement actions. For the purposes of this discussion, an "enforcement-adequate" alternative would consider future use of natural resources and remedies that are quickly accomplished should the responsible party not continue to undertake a long-term remedy.

The prior OSWER policy (developed prior to the publication of the NCP) implicitly assumed that Fund-financed RI/FS were, in fact, adequate for enforcement purposes. The "dual track" system enabled OERR to develop RI/FS while enforcement negotiated for private-party assumption of the remaining cleanup.

Similarly, OSWER has implemented a new policy which will enable OERR to expand its development of RI/FS so that OLEC and OWPE can take some of the finished studies and use them as the basis for negotiations with responsible parties. If Fund-financed remedial alternatives normally would not include ones which are comprehensive enough for enforcement purposes, these policies would have to be modified, i.e., it would make no sense to use the Fund to develop remedial alternatives that will be the basis for enforcement actions (negotiations, administrative orders, civil suits) if the final remedy chosen pursuant to the criteria of the NCP is inadequate for enforcement purposes.

OWPE RECOMMENDATION

OSWER and OLEC should agree that the definition of a cost effective remedy defined in §300.68 (j) applies to privately-financed cleanup and that the results of a Fund-financed RI/FS will include at least one alternative adequate for enforcement purposes because the criteria of the NCP is flexible enough to enable OERR to consider a range of remedial alternatives. The "balancing test" will not be used by OERR to choose a final remedy until after a range of alternatives has been analyzed.

So long as the initial alternatives include at least one adequate for enforcement purposes, the Agency will be able to use this preferred remedy for negotiations with responsible parties because private party cleanups are exempt from the "balancing test."

IMPACT OF OWPE RECOMMENDATION UPON OERR

All of OERR's Fund-financed RI/FS would have to include at least one "enforcement-preferred" remedial alternative.

This would require OERR to draw a clear distinction between "cost-effectiveness" and "fund-balancing" in its decision-making process. For example, OERR might be unable spend $30-60 million to restore a hypothetical contaminated aquifer. If, however, that is the lowest cost to "effectively mitigate and minimize damage to, and provide adequate protection of public health ... and the environment," that could still be a cost-effective remedy as far as enforcement is concerned. OERR would rule out that remedy, not on the basis of cost-effectiveness, but on the basis of "fund-balancing."

Another hypothetical example which illustrates the possible distinctions between an "enforcement-preferred" and Fund-financed remedy lies in the area of "source containment" vs. "offsite" remedial measures.

A RI/FS might indicate that it would take $3 million to clean up a site by moving contaminated soil offsite. The same cleanup might be accomplished for $1.5 million through on-site encapsulation of the soil.

In choosing a remedy, OWPE and OEC could note that "offsite" removal might provide greater protection to the health and environment than encapsulation. They could also note that responsible parties might be required to pay for more than 20 years worth of operation and maintenance at the site (although OERR estimates normally include 20 years worth of O&M in its cost estimates).

OWPE and OEC would be able to argue, therefore, that the $3 million remedy met the "cost effectiveness" test and could form the basis of an enforcement action. If OERR used $1.5 million from the Fund to clean up that site, it would use the "cost balancing" criteria as the basis for its decision.

I recognize that there are drawbacks to this recommendation from OERR's perspective. Certainly, there may be times when you would prefer to publicly base your decision on "cost-effectiveness" rather than "fund-balancing." I would respond to these concerns by emphasizing that the advantages to OERR (by having the freedom to move forward with a substantial number of RI/FS rather than having to negotiate them with OLEC and OWPE on a case-by-case basis) should more than offset the (presumably) infrequent number of situations in which there will be significant disagreement among OERR, OWPE and OLEC. The need to justify our case before a Judge creates our own "de facto" balancing test and will help ensure that Enforcement-preferred remedies can be defended using the criteria of the NCP.

I hope you will concur with our recommendation and I look forward to discussing this issue with you.

DRAFT
from OWPE 1/83

Issue: Can the Agency seek a greater extent of remedy in Privately-Financed Cleanup than in Fund-financed cleanups?

Conclusion

Despite inconsistent language in the National Contingency Plan, privately-financed remedies can be more comprehensive than Fund-financed remedies. This conclusion is based upon two factors:

a. The NCP's definition of the appropriate extent of remedy and the discussion of the criteria used to evaluate the alternatives permit the Agency to choose a remedy which is highly protective of the public health, welfare and environment and

b. §300.68 (c) of the NCP explicitly exludes privately-financed remedies developed pursuant to negotiations, administrative actions or judicial actions from the "balancing test" provisions of §300.68 (k) which might otherwise require the Agency to implement a less comprehensive remedy when employing the Fund.

Background and Discussion

§300.68 (c) discusses privately-financed cleanup remedies:

> As an alternative or in addition to Fund-financed remedial action, the lead Agency may seek, through voluntary agreement or administrative or judicial process, to have those persons responsible for the release cleanup in a manner that effectively mitigates and minimizes damage to, and provides adequate protection of, public health, welfare and the environment. (emphasis added)

§300.68 (j) discusses the extent of remedy for Fund-financed cleanup:

> The appropriate extent of remedy shall be determined by the lead agency's selection of the remedial alternative which the agency determines which is cost-effective (i.e., the lowest cost alternative that is technologically feasible and reliable and which effectively mitigates and minimizes damage to and provides adequate protection of public health, welfare, or the environment. (emphasis added)

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Although the wording of these two subsections is almost identical, there are several differences that make it possible to argue that privately-financed remedies can be held to a higher standard.

For example, while §300.68 (c) calls for cleanup which "effectively mitigates and minimizes damage...," it does not call for the "lowest cost alternative that is technologically feasible and reliable and which effectively mitigates and minimizes damage to..." (emphasis added). One can argue, therefore, that privately-financed remedies are not strictly held to the "cost-effective" standards of Fund-financed cleanups since the NCP does not explicilty require them to be the "lowest cost feasible and reliable" alternative.

In addition, §300.68 (c) calls for remedies which "effectively mitigates and minimizes damage to, and adequate protection of, public health, welfare and the environment, while §300.68 (j) requires remedies which "effectively mitigates and minimizes damage to, and adequate protection of, public health, welfare, or the environment (emphasis added).

The operative language in both instances is identical except for the substitution of "or" for "and" in subsection (j). The more inclusive (broader) language of subsection (c) i.e., the protection of public health, welfare, and the environment suggests that the Agency can seek a greater level of cleanup than would be developed for purely Fund-financed actions. Arguably, by using the broader language, the NCP implied that culpable parties could be required to clean up hazardous substances releases at priority sites to a degree more protective of the public and the environment.

The differences in the wordings of §3003.68 (c) and (j), however, do not constitute unassailable proof for arguing that privately-financed cleanups can be more comprehensive than Fund-financed ones. Other language in the NCP is somewhat inconsistent with this argument.

For example, it is clear from both the language of the NCP and stated Agency policy that enforcement-preferred remedies must be consistent with the NCP.

The preamble to the NCP states:

> Subpart F is the major new section of the NCP. It establishes the management system under which response to hazardous substances will be undertaken. Although most of Subpart F applies to Fund-financed response, it should be noted that §300.68(e) through (j) also applies to cleanup by responsible parties.

§300.68 (c) also links privately-financed cleanup to the same criteria used for Fund-financed response:

> The lead agency shall evaluate the adequacy

> of cleanup proposals submitted by responsible parties or determine the level of cleanup to be sought through enforcement efforts, by consideration of the factors discussed in paragraphs (e) through (j) of this section.

These subsections explicitly state that privately-financed alternatives are linked to the "cost effectiveness" definition of §300.68 (j). Therefore, a basic contradiction exists. While §300.68 (c) does not mention cost as a criteria for private-party action and lays out a standard which protects the public health, welfare and environment, it also requires a "consideration" of the factors discussed in (j), which does require the Agency to choose the lowest cost feasible and reliable alternative which protects the public health, welfare or environment.

Presumably, the Agency would have to successfully argue that such phrases as "the consideration of factors (e) through (j)" and " (e) through (j) also applies to cleanup by responsible parties" are different from requiring "exclusive reliance upon, " "total adherence to," or complete or exact following of" those factors when choosing a privately-funded remedy.

Nor does the statutory language of CERCLA completely resolve the ambiguity. The portion of CERCLA dealing with extent of remedy (§104 (c)(4) is as follows:

> The President shall select appropriate remedial actions ...which are to the extent practicable in accordance with the national contingency plan and which provide for that cost-effective response which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration and the availability of amounts from the Fund...to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into account the need for immediate action.

The first part of §104 (c)(4) merely states that remedies should be consistent with the NCP (which is itself inconsistent). The second part pertains only to the "balancing" test from which enforcement efforts are explicitly exempted.

The above discussion suggests that it would be difficult to argue for a more comprehensive enforcement standard solely by relying on this somewhat contradictory language of the NCP or the rather general language of CERCLA. If the Agency did want to take this position, the "pros" and "cons" are as follows:

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PRO

1. A policy that private-party cleanup is not strictly bound by the NCP gives Agency enforcement teams more bargaining chips in settlement negotiations. It sets a potentially higher "ceiling" (for the initial negotiating position) which could result in a more comprehensive settlement.

2. A policy that private-party cleanup is not strictly bound by the NCP is consistent with the "equity" arguments that polluters should cleanup the hazards they caused to the maximum feasible extent.

3. It demonstrates to critical members of the public, press and Congress that the Agency is aggressively enforcing CERCLA.

CON

1. It would likely lead to litigation over "dual" extent of remedy. (As noted, there is no guarantee Agency could successfully argue that NCP permits greater extent of remedy pursuant to enforcement.)

2. The public comments of some Agency leaders seem to imply no "dual" standard. For example, in recent testimony before the House Energy Oversight Subcommittee, Rita Lavelle distinguished between the cleanup sought in the Love Canal lawsuit and potential decisions re the Missouri dioxin sites:

> ..I am making decisions consistent with the National Contingency Plan, which is the law by which we administer the Superfund Program...(the cleanup standard asked for at) Love Canal was done prior to Superfund, prior to the NCP and it was set up...to avoid an imminent hazard...
>
> There is no 'national standard'. There is a standard that we are using in enforcement actions prior to now...

Thus, Lavelle states that enforcement remedies must be consistent with the NCP and her comments could also be interprepted to mean that the critieria would be the same for both Fund-financed and private cleanups.

3. It might lead to greater conflict with the chemical industry and reduce the numbers of "voluntary" settlements successfully negotiated without recourse to the use of administrative orders or civil actions.

Rather than relying on the language of §3003.68 (c) and trying to distinguish between "consideration" of factors and being bound by them, it might be preferable to argue that the definition of Fund-financed extent of remedy coupled with the exclusion of enforcement efforts from the "balancing test" of §300.68 (k) provide the authority for more comprehensive enforcement remedies.

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Subsection (k) states:

> Section 104 (c)(4) of CERCLA requires that the need for protection of public health, welfare and the environment at the facility under consideration be balanced against the amount of money available in the Fund to respond to other sites which present or may present a threat to public health, welfare or the environment, taking into consideration the need for immediate action. Accordingly, in determining the appropriate extent of remedy for Fund-financed response, the lead Agency must also consider the need to respond to other releases with Fund monies.

§300.68 (c) exempts enforcement-mandated cleanups to this test:

> The lead Agency will not, however, apply the cost balancing considerations discussed in paragraph (k) of this section to determine the apporpriate extent of responsible party cleanup.

The Agency should state that the choosing of the "cost effective" remedy under §300.68 (j) would normally not preclude the choosing of the enforcement preferred remedy. There are logical reasons for assuming that, in the real world, enforcement would not be constrained under this standard:

1. Even the "lowest cost" option must be one which "effectively mitigates and minimizes" damage... So long as the Agency has the authority to choose the remedy which "effectively mitigates and minimizes" damage, it is unlikely that an inadequate remedy (for enforcement purposes) would be chosen.

2. Fund-financed alternatives might be inadequate for enforcement purposes only if a narrow range of alternatives is initially considered, e.g., the "balancing test" is applied when deciding which alternatives to study, rather than after a full range of alternatives have been analyzed.

   But the "balancing test" does not rule out the analysis of more comprehensive alternatives by OERR.

As an practical matter, the Agency's enforcement program assumes that the alternatives developed by the Fund are adequate for enforcement purposes. Last year, OSWER and OLEC initiated a "dual track" system to permit OERR to use CERCLA funds to develop RI/FS while enforcement teams negotiated for private-party assumption of the remaining cleanup. OSWER and OLEC are currently developing a new policy which will permit OERR to expand its development of RI/FS so that OLEC and OWPE can take the finished product and negotiate with responsible parties.

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If Fund-financed remedial alternatives cannot include ones which are comprehensive enough for enforcement purposes, the policies currently in effect or planned would have to be completely revised i.e., it makes no sense to use the Fund to develop alternatives that will be the basis for enforcement actions (either through negotiations, administrative orders or civil actions) if the final remedy chosen pursuant to the NCP is inadequate for enforcement purposes.

This argument, therefore, assumes that the extent of remedy defined in §300.68 (j) is adequate for privately-financed cleanup because it permits the Agency to consider a range of remedial alternatives which were not previously subject to the "balancing test." So long as the alternatives considered include ones adequate for enforcement purposes, the Agency is then free to impose its preferred remedy on responsible parties because it does not have to reduce its remedy at any one site because of the need to conserve funds for remedial work at other sites.

In summary:

1. The Agency can argue that privately-financed remedies need not be completely bound by the factors listed in the NCP for Fund-financed remedies (excluding the balancing test). The language in the NCP is not clearcut and it could be difficult to prove in Court.

2. The Agency can argue that privately-fiannced cleanups must also closely follow the requirements laid out in the NCP and that these requirements do not rule out the choosing of alternatives that would be preferred in enforcement cases, since the chosen remedy woul not be subject to a "balancing test."

Either way, OLEC and OSWER would usually be able to seek a higher level of cleanup at a specific site than would be the case if that site was cleaned up via the Fund.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Coordination of EPA and State Actions in CERCLA
Cost Recovery Negotiations and Litigation

FROM: Robert M. Perry
Associate Administrator for
Legal and Enforcement Counsel

Rita Lavelle
Assistant Administrator for
Solid Waste and Emergency Response

TO: Regional Administrators, Regions I-X
Regional Counsels, Regions I-X
Director, Office of Intergovernmental Liaison

The clean-up of hazardous waste disposal sites under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) involves payment of monies from the Hazardous Substance Response Fund (the Fund) created by Section 211 of CERCLA to individual states or to contractors to finance clean-up activities. In many cases, the state in which the site is located will also contribute its own funds to the site clean-up 1/. EPA and the state may thereafter negotiate with or take judicial action for recovery of the amounts expended by them against the party or parties who

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1/ Under CERCLA §104(c)(3), the state must pay or assure payment of 10 per cent of the cost of remedial action at a site and all costs of maintenance, and at least 50 per cent of the cost of response action at a facility which was owned by the state or a subdivision at the time of disposal of hazardous substances.

are legally responsible 2/. In those cases, the question arises whether the separate negotiations or judicial actions of EPA or the state to recover their respective funds might, in some way, prejudice the other's right to recoup its monies, and if so, what actions might be taken to avoid such prejudicial effect.

It may initially appear unreasonable to conceive that either EPA or a state could take action which would interfere with the other's right to recover monies which were expended for site clean-up. However, the following points should be considered:

- State as Agent - EPA will frequently be transferring its share of clean-up funds to the state which will, in turn, spend it on the site under a cooperative agreement with EPA which contains numerous protocols, procedures, and other standards with which the state must comply to assure the quality of the site investigation and clean-up. Therefore, the state may be argued to be an agent or representative of EPA in the expenditure of the funds. Likewise, it may also be asserted as a defense by a potentially responsible party that the state was also an agent for EPA in the recovery of costs expended.
- Collateral Estoppel - An adverse judgment by a court in an action by either EPA or a state on the issue of recovery of funds expended on the site might be held to collaterally

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2/ For further guidance on cost recovery procedures and responsible parties, see the Memorandum dated September 20, 1982, from Robert M. Perry, Associate Administrator for Legal and Enforcement Counsel and Rita Lavelle, Assistant Administrator for Solid Waste and Emergency Response, entitled "Cost Recovery Actions under CERCLA".

estop the other governmental agency from successfully bringing a subsequent action against that same party 3/.

- Insolvency of Responsible Party(s) - A settlement or judgment by EPA or the state might exhaust the available resources of the responsible party(s), leaving the other governmental agency without possibility of a recovery.

Regardless of the merits of arguments which may be made on the foregoing considerations, in the interest of promoting Federal-State relations, there are certain rights and obligations which should be clearly defined at the outset of the relationship. The purpose of this memorandum is to present guidance by which those understandings might be effectuated.

THE COOPERATIVE AGREEMENT

1. Negation of Agency in Coöperative Agreement

The cooperative agreement should negate the principle that the state is an agent for EPA. This is important for both governmental agencies for a number of reasons. In the cooperative agreement, EPA will necessarily require that the state observe certain standards, procedures and protocols, such as in the taking of samples, their chain-of-custody, analysis protocols, and perhaps accounting procedures. The need to specify such procedures could be argued to constitute a right to control the actions of the state, an indicia of an agency relationship. Neither EPA nor the state should wish to encourage such an argument because of the potential exposure to tort liability

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3/ See United States v. I.T.T. Rayonier, Inc., 627 F.2d 996, (9th Cir., 1980).

as well as the possibility of complicating a cost-recovery effort. Therefore, the relationship of agency between EPA and the state should be negated by appropriate language in the cooperative agreement. Suggested language for such a provision appears in the Appendix to this memorandum.

2. Requirement for Notice of Settlement or Action

The cooperative agreement between EPA and the state should contain a provision that neither will initiate a cost recovery proceeding or enter into a settlement with the responsible party except after having given ample written notice to the other in advance of the execution of a settlement agreement or the filing of a suit. The rationale for such a provision is to prevent competition between EPA and the state to rush to obtain a judgment against or settlement with the responsible party, thereby gaining a position of preference with respect to the assets of the responsible party.

Inclusion of such a provision in the cooperative agreement is fair to both EPA and the state, in that neither may gain an unexpected advantage to the assets of the responsible party by separate negotiations of which the other may be unaware.

Such a provision also provides a means whereby each party to the cooperative agreement may take separate independent action to protect its interests, after having given the necessary notice, if there are reasons to not engage in joint EPA-State negotiations or file suits in coordination with each other against the responsible parties. Suggested language for such a provision appears in the Appendix to this memorandum, and provides for written notice not less than 30 days in advance of settlement or initiation of a cost recovery action.

3. Requirement for Cooperation and Coordination of Cost Recovery Efforts

The cooperative agreement should also provide that EPA and the state will cooperate with each other in efforts to recover their respective shares of the costs of response activities at the facility, and will coordinate their respective activities and resources in such efforts, including the filing and coordination of litigation for the recovery of costs and the use of evidence and witnesses in such suits. This provision is desirable because cost recovery suits will involve considerable data, documents and witnesses from both EPA, the state and their contractors, and close coordination between EPA and the state will be very important to the efficient and effective resolution of those suits. Model language for this provision also appears in the Appendix.

4. Requirement That Judicial Action Be Taken in U.S. District Court

The cooperative agreement should also provide that any suit filed by either party to the agreement against any third party for recovery of response costs to which it may be entitled, shall be brought in the U.S. District Court for the judicial district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office (§113(b)). The purpose of this provision is to avoid fragmenting the efforts of EPA and the state between Federal court (in which EPA would bring a suit), and state court (in which the state could bring a cost recovery suit under any applicable state law. See the discussion of this point in the section entitled "Pending Cases", infra). Model language for this provision also appears in the Appendix.

NON-JUDICIAL SETTLEMENT

In the absence of an agency relationship between EPA and the state, there is little possibility that the state could enter into a separate agreement with the responsible party (as distinguished from a Decree or Judgment) which could affect EPA's rights against the responsible party, other than to drain off that party's assets which might be available for payment of a cost-recovery claim. In the case of a responsible party with substantial assets, a separate settlement by the state or EPA may not present a serious problem to the other party. However, assuming EPA becomes aware of an impending settlement between the state and the responsible party(s) 4/, the Agency should, before the settlement is finalized,

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4/ EPA should become aware of any impending settlement by the state with a responsible party assuming there is a provision in the cooperative agreement which requires the state to notify EPA in writing thirty days in advance of any proposed settlement, and the state complies with that agreement.

determine the probable extent of the responsible party's financial ability to satisfy EPA's claim in addition to payment of the settlement with the state 5/.

In most cases, the responsible party will probably wish to settle its liability, if at all, with both the state and EPA simultaneously. Joint negotiations and settlement involving the state, EPA and the responsible parties should be encouraged to avoid misunderstandings and to resolve all issues at the same time. However, there will undoubtedly be circumstances under which the responsible party may believe that it would be advantageous to settle with one claimant (either EPA or the state) and not the other. It is those cases where the assets of the potentially responsible party would be substantially deple~~a~~ted by the settlement which could present significant problems ~~for~~ for each claimant.

It should be recognized at the outset that, absent the proposed notice and coordination agreements discussed above, there is

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5/ A determination of the financial ability of a potentially responsible party can be made by the Financial Management Division of the Agency, or by use of a Financial Assessment System which has been developed by the Economic Analysis Division of the Office of Policy Analysis of EPA. This system will provide case-by-case, inexpensive and defensible estimates of ability-to-pay which will be useful for settlement consideration. This system requires a minimum of financial data which will usually be available from a Dun and Bradstreet report, a Moody's listing, or an audited financial statement. When that information is not available, the system will enable enforcement personnel to focus data requests to that information necessary to perform a minimum financial assessment. Any questions about this system and its uses should be directed to Kathy Summerlee, FTS 382-3112, or David Erickson, FTS 382-2764.

nothing to prevent the state or EPA from settling its claim in the absence and without the concurrence of the other. Where such a settlement would place either the state or EPA in a more advantageous position with regard to the assets of the responsible party, problems could arise which could affect intergovernmental relations. In those cases, the following options are available to EPA:

1. Should EPA determine that the state has independently entered into settlement negotiations with the responsible party, EPA should contact the appropriate state agency in an effort to establish a joint settlement effort and strategy. Simultaneously, EPA should notify the responsible party by letter (if that has not already been done as part of the Agency's cost recovery procedure), advising it of the Agency's claim, and that no other person or entity is authorized to negotiate for or otherwise represent the Agency in respect to that claim. At the same time, the Agency should initiate an investigation into the financial resources of the responsible party to determine whether there will be sufficient assets remaining after the proposed state settlement to satisfy EPA's claim. That investigation can be carried out in the manner described in the footnote on page 7.

2. If it is determined that the assets of the responsible party will likely be depleted or substantially impaired by a separate settlement with the state without provision being made for EPA's claim, and if efforts to establish a joint settlement

effort with the state are not successful, then consideration should be given to EPA's applying to the appropriate U.S. District Court for the appointment of a receiver to operate or manage the assets of the responsible party for the benefit of all creditors of that party. This action, if taken in a timely manner, would prevent the responsible party from distributing its assets in a preferential manner.

However, the decision to attempt to forestall a state settlement with a responsible party should be made only after serious consideration of all factors involved, including:

- the amount of EPA's claim which might be prejudiced;
- the past relations between EPA and the state agency involved in the negotiations;
- the circumstances under which the state and the responsible party entered into the negotiations without the presence of EPA;
- the existence of any agreement between EPA and the state prohibiting such negotiations;

and any other factors which might bear upon the decision. While this action should be taken only as a last resort, the Agency must always be mindful of its responsibility to preserve and restore the Fund in order to address as many hazardous waste sites as possible. As in other such actions, a decision to seek the appointment of a receiver for the assets of a responsible party will require the concurrence of the Associate Administrator for Legal and Enforcement Counsel.

PENDING CASES

There are a number of cases in which states have already initiated a suit against responsible parties, and EPA has contributed or intends to contribute a portion of the clean-up costs. In such cases, what is the proper forum and the best method in which to proceed?

In the absence of an agreement with EPA to the contrary, a state may, of course, proceed with an action in state court for cost recovery claims based upon any applicable state law 6/.

States are also authorized to make claims under CERCLA for the cost of response activities which they incurred at a site. Section 107(a) of CERCLA, for example, provides for the liability of past and present owners and operators of a facility, generators, transporters and others for "all costs of removal or remedial action incurred by the United States or a State not inconsistent with the National Contingency Plan." Many other sections of CERCLA refer to the right of the states to recover for their own costs.

6/ CERCLA §107(i) provides: "Nothing in this paragraph shall affect or modify in any way the obligations or liability of any person under any provision of State or Federal law, including common law, for damages, injury or loss resulting from a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance."

However, §113(b) of CERCLA provides:

> "... the United States district courts shall have exclusive original jurisdiction over all controversies arising under this Act, without regard to the citizenship of the parties or the amount in controversy. Venue shall lie in any district in which the release or damages occurred, or in which the defendant resides, may be found, or has his principal office."

We interpret this provision to mean that any claim made by EPA, the state or any other person for recovery of response costs, which is based upon the provisions of CERCLA, must be brought in the appropriate U.S. district court, and may not be asserted on behalf of EPA by a state in a state court action 7/. Obviously, any claim asserted by EPA will be based upon CERCLA and will be in U.S. district court. Likewise, if the state's claim against a third person for its share of the costs relies in whole or in part upon CERCLA, then it too must be brought in U.S. district court. A state may, therefore, attempt recovery of its share of response costs in state court only under some law or theory other than CERCLA.

In view of these considerations, it is apparent that any coordination of EPA-State effort in pending or future cost recovery actions will necessarily take place in the appropriate

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7/ In addition to the restriction of §113(b), there are additional reasons why the state could not attempt collection of the Federal share of response costs. Under CERCLA §112(c)(3) and 28 USC §516, the U.S. Attorney General is required to represent EPA in these proceedings. This may not be delegated to the states, and therefore it is not possible to authorize the states to attempt collection of the Federal share of response costs in a state court proceeding, even should it be otherwise appropriate.

U.S. district court. We also believe it highly important that EPA and the State attempt to coordinate their respective claims because:

- such actions will involve a substantial amount of technical data, documents and witnesses from both EPA and the State, and each party could derive the benefit of the other's evidence and witnesses;
- coordination would avoid the necessity of maintaining two separate proceedings which would duplicate much of the same effort and resources; and
- coordination of the claims would avoid the issue of collateral estoppel discussed earlier in this memorandum.

We believe the states will be receptive to joint or cooperative cost recovery actions with EPA for these reasons, and for the additional reason that the legal authority for the states to recover is probably much clearer under CERCLA than it may be under the laws of most states.

The following options, or some varience thereof, should therefore be followed in those cases where EPA provides CERCLA funds under a cooperative agreement to a state which has a suit pending in state court against the responsible party:

Option I: EPA should require, as a condition of payment of the CERCLA funds to the State, that the state will, within a certain period of time (i.e., 30 days) after receipt of the funds, dismiss without prejudice to subsequent refiling all claims for recovery or reimbursement of any costs of response at the site 8/ from any action then pending in state court. The provisions recommended earlier in this Memorandum for inclusion in all cooperative agreements should also be used 9/.

It is not necessary to require that a single suit for cost recovery be filed jointly by EPA and the State. It may be a more simple procedure, and avoid potential logistical problems, for each party to file its own suit separately, and then request the U.S. District Court before which they are pending to consolidate proceedings on the suits pursuant to Rule 42 of the Federal Rules of Civil Procedure.

8/ Note that this does not necessarily require a complete dismissal of the pending state court action. This recognizes that there may be other claims of the state involved in the case, with which the state may wish to continue in the state court proceedings, and that the existance of counterclaims by the defendant on other issues may prevent the state from effecting a complete dismissal of the case. The important point is to eliminate all cost recovery claims from the state court proceedings. Of course, if those are the only claims involved in the state case, a complete dismissal of the case would be the desired result.

9/ The Attorney General of the state should agree to or concur in this provision of the cooperative agreement, since it affects pending litigation in which the Attorney General is representing the state. Such agreement or concurrence may be limited to the particular provision requiring dismissal of the case, and may be evidenced by an endorsement to the cooperative agreement or by separate letter signed by the Attorney General or his representative.

Note also that this option does not affirmatively require that the State refile its claim in Federal court, but only that if the claim is refiled, it will be in that court. The requirement for cooperation and coordination between EPA and the State will also apply to and encourage joint negotiations with the responsible parties before filing of a suit in Federal court, as well as to subsequent litigation in Federal court.

Option II: It is conceivable that a State may wish to continue to pursue its cost recovery claim in state court, or may not wish to coordinate its efforts with EPA. In such event, EPA should not, even if it could, attempt to require it to do otherwise. However, because of the potential for the issue of collateral estoppel being raised against EPA by the responsible party(s) in event of an unfavorable result in the state court proceedings, EPA should, as a condition of payment of the CERCLA funds, require that the state, within a specified time, dismiss without prejudice or omit from any action then pending or which it may subsequently file in state court any claim for recovery of response costs which in the opinion of EPA, are or may be based upon CERCLA, or any law, regulation or authority other than that which may exist under the laws of that State 10/.

10/ See comment at footnote 9.

EPA should strongly urge the states with which it enters into cooperate agreements to accept Option I, since it will result in much greater effectiveness and cost-efficiency in recovery actions. Option II should be resorted to only after all other efforts of persuasion with the State have failed to convince it to agree to cooperate and coordinate its cost recovery efforts with EPA.

Note on Purpose and Use of this Memorandum

The policy and procedures set forth herein, and internal office procedures adopted pursuant hereto, are intended solely for the guidance of attorneys and other employees of the U.S. Environmental Protection Agency. They are not intended to nor do they constitute rule-making by the Agency, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law or in equity, by any person. The Agency may take any action at varience with the policies or procedures contained in this memorandum, or which are not in compliance with internal office procedures that may be adopted pursuant to these materials.

We recognize that this memorandum contains subject matter which relates to sensitive areas of the Federal-State relationship. Nothing contained herein is intended to imply bad faith or improper motive on the part of any state or agency thereof, and no such interpretation or construction of

APPENDIX

The following are samples of provisions which should be included in a cooperative agreement between EPA and a state at the time CERCLA funds are committed for response actions at a site. Provisions numbered 1 through 4 are applicable to any agreement. Provisions 5 or 6 are applicable where the state has a suit pending in state court for recovery of response costs at the time the agreement is entered into. Please refer to the text of the Memorandum for additional guidance on the use of these provisions.

1. Disclaimer of Agency Relationship

Nothing contained in this Cooperative Agreement shall be construed to create, either expressly or by implication, the relationship of agency between EPA and the state. Any standards, procedures or protocols prescribed in this Agreement to be followed by the State or its contractors during the performance of the State's obligations under this Agreement are for assurance of the quality of the final product of the actions contemplated by the Agreement, and do not constitute a right on the part of EPA to control the actions of the State. EPA (including its employees and contractors) is not authorized to represent or act on behalf of the State in any manner relating to the subject matter of this Agreement, and the State (including its employees and contractors) is not authorized to represent or act on behalf of EPA in any matter relating to the subject matter of this Agreement. Neither EPA nor the State shall be liable for the contracts, acts, errors or omissions of the agents, employees or contractors of the other party entered into, committed or performed with respect to or in the performance of this Agreement.

2. Notice of Intent to Settle or to Initiate Proceedings

EPA and the State agree that, with respect to the claims which each may be entitled to assert against any third person (herein referred to as the "responsible party", whether one or more) for reimbursement of any services, materials, monies or other thing of value expended by EPA or the State for response activity at the site described in this Agreement, neither EPA nor the State will enter into a settlement with or initiate a judicial or administrative proceeding against a responsible party for the recovery of such sums except after having given notice in writing to the other party to this Agreement not less than thirty (30) days in advance of the date of the proposed settlement or commencement of the proposed judicial or administrative proceedings. Neither party to this Agreement shall attempt to negotiate for nor collect reimbursement of any response costs on behalf of the other party, and authority to do so is hereby expressly negated and denied.

3. Cooperation and Coordination of Cost Recovery Efforts

EPA and the Stae agree that they will cooperate and coordinate in efforts to recover their respective costs of response actions taken at the site described herein, including the negotiation of settlement and the filing and management of any judicial actions against potentially responsible parties. This shall include coordination in the use of evidence and witnesses available to each in the preparation and presentation of any cost recovery action, excepting documents or information which may be confidential under the provisions of any applicable state or federal law or regulations.

4. Judicial Action to be in United States District Court

EPA and the State agree that any judicial action taken by either party to this Agreement against a potentially responsible party for recovery of any sums expended in response actions at the site described herein shall be filed in the United States District Court for the judicial district in which the site is located, or in such other judicial district of the United States district courts as may be authorized by §113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and agreed to in writing by the parties to this Agreement.

5. Dismissal By State of Pending Cost Recovery Action - (Option I)

The State does hereby agree that it will, not later than thirty (30) days after the date of this Agreement, cause to be dismissed, without prejudice to any subsequent refiling, any and all claims of the State (or any agency or subdivision thereof) in the case of "(State or agency) v. (defendant) , now pending in the (Circuit, Chancery, etc.) Court of ________________, Docket No. ________, for recovery of any services, materials, monies or other thing of value expended or to be expended on the site described in this Agreement. Any subsequent refiling of said claims by the State or any agency thereof will be in accordance with the provisions of this Agreement.

(See comment at footnote 9 of Memorandum regarding State Attorney General concurrence with this provision.)

any provision herein should be made. This memorandum attempts to recognize that in the normal course of EPA-State relations, occasions arise in which the interests of EPA and the State may not be identical, and it is our intent to anticipate and prepare for such occasions so that they can be approached in a rational, planned manner to minimize further potential impact on the relationship.

If you have any questions or problems concerning any matter contained herein, please call Richard H. Mays at FTS 382-4146.

Attachment

6. Dismissal By State of Pending Cost Recovery Action - Option II

The State does hereby agree that it will, not later than thirty (30) days after the date of this Agreement, cause to be dismissed, without prejudice to any subsequent refiling, any and all claims of the State (or any Agency thereof) in the case of "(State or Agency) v. (defendant), now pending in the (Circuit, Chancery, etc.) Court of ____________________, Docket No. _______, for recovery of any services, materials, monies or other thing of value expended or to be expended on the site described in this Agreement which are based or rely, in whole or in part, upon the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Any subsequent refiling of said claims by the State will be in accordance with the provisions of this Agreement.

(See comment at footnote 9 of Memorandum regarding State Attorney General concurrence with this provision.)

Please provide for each of the sites on the proposed priority list, on a site-specific basis, a statement of what actions have been undertaken, the manner and extent of state participation, the anticipated dates of completion for each of phases and planned action.

Please list, state by state, (a) the status of negotiations over a cooperative agreement; (b) whether the state has money available for the required match; and, (c) whether the state has established or is in the process of establishing a response fund.

Please indicate on what date the priority list is expected to become final and what additions or deletions are planned based on current knowledge.

REMEDIAL PROJECT COMPLETION DATES
(For State Lead)

SITE NAME	ACTIVITY	AMOUNT OBLIGATED	PROJECTED COMPLETION DATE
Allen Transformer, AR *	RI/FS	118,733	to be de-obligated
Arkansas City Dump, KS	RI	177,700	11/01/82**
	FS		08/31/83
Arsenic Trioxide, ND	RA	218,444	12/31/84
Berlin & Farro, MI	RI/FS	1,419,844	07/30/83
	IRM		11/30/82**
Bio-Ecology, TX	RI	357,090	04/01/83
	FS		08/01/83
Bluff Road, SC	FS	1,078,292	08/31/84
	Removal		04/30/83
Burnt Fly Bog, NJ	Rem Planning	336,305	04/30/83
Central City, CO	RI/FS	219,561	09/01/84
Colbert Landfill, WA	RI/FS	80,000	05/31/82
Crystal Chemical, TX	RI	369,900	09/01/83
	FS		04/01/84
Davis Liquid, RI	RI/FS	336,182	12/31/83
Denver Radium, CO	RI	278,600	12/31/82**
	FS		08/13/82**
Ellisville Area, MO	RI	35,000	12/31/82
	IRM	96,300	03/01/83**
French Limited, TX	RI	466,668	08/01/83
	FS		12/28/83
Friedman Property, NJ	FS	270,000	08/15/84
Goose Farm, NJ	FS	189,000	08/15/84
Gratiot County, MI	RD	386,000	08/31/83
Harris Site, TX	RI	325,563	09/01/83
	FS		04/01/84
Highland Acid, TX	RI	402,864	06/30/83
	FS		01/30/84

REMEDIAL PROJECT COMPLETION DATES

SITE NAME	ACTIVITY	AMOUNT OBLIGATED	PROJECTED COMPLETION DATE
Keefe Environmental, NH	RI		09/30/83
	FS	1,709,945	12/31/83
	Fence		11/15/82**
	Drum removal		07/31/83
Love Canal, NY	FS	10,887,000	02/01/85
	RA		07/31/85
Luminous Processes, GA *	FS/RA	731,629	07/16/82**
Miami Drum Services, FL	FS	1,384,565	09/01/83
	RA		09/30/83
Old Inger Oil, LA	RI	189,000	09/15/83
Olean Well, NY	RI	500,000	09/30/83
	FS		12/30/83
PCB Roadside Spills, NC	RA	2,543,700	04/30/83
Picillo Farm, RI	FS		04/16/82**
	RD	4,938,570	09/30/83
	RA		01/14/84
Pijack Farm, NJ	FS	292,500	08/15/84
PAS/Oswego, NY	FS	3,000,000	08/01/83
	IRM		03/01/83**
Price Landfill, NJ	IRM	302,150	06/07/83
Reilly Tar, MN	RI		09/30/82**
	FS	2,393,287	12/31/83,03/31/84
	IRM		09/30/83
Sapp Battery, FL	RI	235,000	09/01/83
	FS		01/31/84
Sikes Disposal Pit, TX	RI	495,078	09/30/83
	FS		09/30/83
Spence Farm, NJ	FS		04/01/84
	IRM	2,538,000	12/14/83
	RA		05/01/86
Stringfellow, CA	Hydro Inv	95,000	08/20/81**

REMEDIAL PROJECT COMPLETION DATES

SITE NAME	ACTIVITY	AMOUNT OBLIGATED	PROJECTED COMPLETION DATE
Sylvester's, NH	RI		08/31/81**
	FS		06/24/82**
	RD	4,370,540	05/15/82**
	RC		04/30/84
	IRM		12/01/82**
Syncon Resins, NJ	IRM/FS	2,115,000	12/19/83
Tar Creek, OK	RI	435,368	02/28/83**
	FS		09/30/83
Tate Cove, LA *	RI/FS	10,000	completed
Western Sand, RI	RI/FS	292,079	12/31/83
Whitehouse, FL	RI		07/01/83
	FS	306,400	09/30/83
	IRM		04/30/83
Woodbury Chemical, CO	RI		11/01/83
	FS	109,436	11/01/83
	IRM		11/01/83

* Not on National Priorities List

** Task completed

RI = Remedial Investigation

FS = Feasibility Study

IRM = Initial Remedial Measure

RD = Remedial design

RC = Remedial Construction

RA = Remedial Action

RAB/HSCD/OERR/EPA
March 14, 1983

FEDERAL LEAD/ASSISTANCE PROJECTS

STATE/SITE	$		ACTIVITY	(COMPLETION DATE)
ARIZONA			Remedial Investigation//Feasibility Study	
Globe	$ 190,000		RI/FS (Enf.)	
CALIFORNIA				
Stringfellow	35,000		Enf. Support	
COLORADO				
Denver Radium	$ 15,000		FS Complete	
DELAWARE				
Tybouts *	$ 755,000		RI/FS	
FLORIDA				
Biscayne Aquifer	$ 500,000	(RCRA)	RI	Complete
	$ 200,000		FS	10/30/83
ILLINOIS				
OMC				
	$ 100,000		RI/FS	6/83
	$ 10,000			
Enviro Chem	$ 10,200		FS Initial Remedial Measure (IRM)	4/83
	$ 300,000		RI/FS	4/84
INDIANA				
Seymour *	$ 210,000			
	$ 350,000	(RCRA)	RI/FS	
	$ 12,000		IRM	Complete
IOWA				
Aidex *	$ 200,000		RI/FS	7/13/83
	$ 680,000		IRM	8/83
	$ 95,000		Remedial Design (RD) Complete	
	$ 10,000		IRM	
	$ 10,000			
KENTUCKY				
Valley of the Drums	$ 32,000	(RCRA)	RI	Complete
	4,000			
LOUSIANA				
Petro Processors	$ 56,000		RI (Enf.)	
MAINE				
Winthrop	$ 450,000	(RCRA)	RI/FS	6/30/83
MASSACHUSETTS				
Resolve	$ 10,000		FS	
	$ 30,000		RI	6/15/83
	$ 150,000		RI	6/15/83
	$ 220,000		FS	12/1/83
Industriplex (Woburn)	$ 450,000		RI/FS Cancelled: Responsible Party Has Taken Over	
	$ 42,000	(RCRA)	Complete	
	$ 100,000		Remedial Action (RA) Complete	
[illegible] *	$ 500,000		RI/FS	11/83

FEDERAL LEAD/ASSISTANCE PROJECTS

MISSOURI				
Ellisville	$ 200,000		FS	6/15/83
	35,000		RD	Complete
	130,000		RI	5/15/83
	99,500		RI	5/83
Minker/Stout	$ 530,000		RI/FS	5/83
MINNESOTA				
Reilly Tar	$ 60,000		FS	Complete
NEW HAMPSHIRE				
Keefe	$ 100,000		RD	Complete
Nashau	30,000		FS	Complete
NEW JERSEY				
Bridgeport *	$ 16,000		FS	
	$ 410,000	(RCRA)	RI/FS	6/1
	$ 500,000		RI/FS	12/1/83
	$ 50,000		RD	6/1/
	$2,700,000		IRM	12/15/83
	80,000		RD	6/1
D'Imperio *	$ 344,000		RI/FS	11/83
	$ 24,000		IRM	6/83
Kin Buc *	$ 100,000	(RCRA)	RI/FS	Complete
	$ 250,000		FS/RD	5/15/83
	$ 300,000		Remedial Action	Complete
	$ 300,000		FS	Cancelled
	$2,145,000		IRM	12/84
Krysowaty *	$ 300,000		RI/FS	12/83
	$ 24,000			
Lipari *	$ 30,000	(RCRA)	FS	Complete
	$1,589,150		RI/FS/RD, Remedial Action	12/15/83
	$ 100,000		RD	5/1/83
	$ 4,000			
Lone Pine *	$ 300,000		RI/FS	6/30/83
	$ 10,000		FS	
Price L/F *	$ 445,000		RI/FS	6/30/83
	$ 60,000		RD	Complete
	$ 111,979		Remedial Action	Complete
	$ 20,000		FS	6/30/83
NEW YORK				
Love Canal	$ 76,000		FS/RD	Complete
	$ 55,295	(RCRA)	RD	Complete
	$ 129,000		RD	Complete
	$ 50,705		RD	Complete
	$ 150,000		RD	Complete
Olean	$ 100,000	(RCRA)	RI	4/1/83
	$ 32,000		RD	

FEDERAL LEAD/ASSISTANCE PROJECTS

PAS Oswego	$ 100,000		RI/FS	
	$ 200,000		FS/RD	Complete
	$ 110,000		RD	Complete
	$ 21,256		RD	Complete
OHIO	$ 20,000		RD	
Chem-dyne (A)	$ 700,000		RI/FS	3/84
Chem-dyne (B) *	$ 282,805		RI/FS/RD	Complete
	$2,798,000		IRM	11/1/83
	80,000		IRM	5/15/83
	21,000			
	55,681		RI/FS	
Fields Brook	$ 420,000		RI/FS	10/84
	$ 30,000		RI Terminated. $ to be deobligated	
PENNSYLVANIA				
Bruin Lagoon *	$ 300,000	(RCRA)	RI/FS	Complete
	$ 58,000		RD	Complete
	$3,358,000		Remedial Action	1/15
	$ 10,000		FS	Complete
	$ 4,000		FS	
	$ 9,500		RD	
Lehigh *	$ 350,000	(RCRA)	RI/FS	Complete
	$ 48,834		IRM	Complete
	$ 99,000		Remedial Action	Complete
	$1,271,200		Remedial Action	Complete
	$ 300,000		RD	4/83
	$ 10,000		FS	Complete
	$ 8,000		FS	
Drake	$ 475,000		RI/FS	7/84
McAdoo	$ 100,000		FS Terminated $ to be deobligated	
	$ 200,000		RI	1/31/84
	$ 150,000		FS	1/31/84
	$ 475,000		RI/FS	7/84
SOUTH CAROLINA				
Bluff Road	$ 100,000		RD	Complete
	$ 15,000		RD	6/15/83
	$ 84,000		RD	6/15/83
TENNESSEE				
North Hollywood	$ 150,000		RI	9/83
TEXAS				
Motco	$ 521,000	(RCRA)	RI	Complete
	$ 180,000		FS	
INSULAR TERRITORIES	$ 75,000		RI/FS	6/83
Ordot Landfill, GU	$ 65,000		RI/FS	6/83
PCB Warehouse, NMI				
PCB Disposal, TTP	$ 10,000		FS	
Taputimu Farm, AS				
VIRGINIA				
Matthews	$ 340,000	(RCRA)	RI/FS	Complete

FEDERAL LEAD/ASSISTANCE PROJECTS

WASHINGTON			
Commencement Bay South Tacoma Swamp	$ 100,000	Site investigation	
Commencement Bay * Wells 12A & 9A	$ 228,000	RI	Complete
	$ 220,000	RD	IRM Complete
	$1,200,000	RA	7/83

POTENTIAL FY 83 REMEDIAL RESPONSE OBLIGATIONS

3/25/83

Region	Site/State	Lead	Activity	NPL #	POTENTIAL FY83 OBLIGATIONS FY QUARTER II	III	IV
I.	Cannon Eng., MA	E	RI/FS	68		x	
		E	IRM			x	
	Charles George, MA	E	RI/FS	163			x
		[illegible]	[illegible]				x
	Davis Liquid, RI	S	RD	162			x
	Grove Land Wells, MA		RI/FS	250			x
	Bocomoco Pond, MA	E	RI/FS	189		x	
	Keefe, NH		RD/RA			x	
	Laurel Park, CT		RI/FS	79			x
	McKin, ME	S	RI/FS	33		x	
			IRM			x	
	Nashua, NH	S	RD/RA	27			x
	New Bedford, MA	E	RI	75		x	
	O'Conner, ME	S	RI/FS	373			x
	Ottati & Goss, NH	S	RI/FS	110		x	
	PSC Resources, MA	E	RI/FS	267		x	
	Resolve, MA	E	RD/RA	156		x	
	Saco Tan. Pits, ME		RI/FS	356		x	
	Silresim, MA	E	RI/FS	208		x	
		E	IRM			x	
	Tinkham, NH	S	RI/FS	209		x	
			IRM			x	
	Wells G&H, MA	E	RI/FS	39		x	
	Western Sand & Gravel	S	IRM			x	

Region	Site/State	Lead	Activity	NPL #	POTENTIAL FY83 OBLIGATIONS FY QUARTER II	III	IV
II.	Beachwood/B.W., NJ	S	RI/FS	220		x	
	Bog Creek Farm, NJ	E	RI/FS	206			x
	Brewster Wellfield, NY	S	RI/FS	286		x	
	Burnt Fly Bog, NJ	S	RA	40			x
	Chemical Control	E	RD/RA	167		x	
	Combe North, NJ	E	RI/FS	214		x	
	Combe South, NJ	E	RI/FS	186		x	
	D'Imperio, NJ	[illegible]	RD/RA	[illegible]			x
	Fairlawn, NJ	S	RI/FS	212		x	
	GEMS, NJ	E	RI/FS	14	x		
	Helen Kramer, NJ	E	RI/FS	10		x	
	Kentucky Ave., NY	S	RI/FS	257		x	
	Krysowaty, NJ	E	RD/RA	66			x
	Lipari, NJ	E	RA	5		x	
	Lone Pine, NJ	E	RA	19			x
	Love Canal, NY	S	RD/RA	116			x
	Marathon Battery, NY	S	RI/FS	395		x	
	Olean, NY	S	RI/FS	195	x		
	PAS Oswego, NY	S	RD/RA	8			x
	Pijack, NJ	S	RD/RA	202			x
	Price LF, NJ	S	RD/RA	7		x	
	Reich Farms, NJ	E	RI/FS	105		x	
	Rockaway Boro, NJ	S	RI/FS	217		x	
	Sharkey, NJ	E	RI/FS	149		x	
	Sinclair, NY	S	RI/FS	6		x	
	Swope Oil, NJ	S	RI/FS	320		x	
	Vestal Water Supply, NY	S	RI/FS	222		x	
	Wide Beach, NY	S	RI/FS	58		x	
	York Oil, NY	S	RI/FS	159			x
III.	Army Creek, DE	E	RI/FS	11			x
	Blosenski L/F, PA	E	RI/FS	387			x
	Delaware S&G, DE		RI/FS	173		x	
	Douglasville, PA	E	RI/FS	65			x
	Enterprise Ave., PA	S	RD/RC	238			x
	Harvey Knott, DE	E	RI/FS	385		x	
	Helena L/F, PA	E	RI/FS	226			x
	Lackawanda Refuse, PA	E	RI/FS	309			x
	Lehigh, PA	E	RD/RA	396	x		
	Leetown Pesticide, WV	E	RI/FS	304			x
	Matthews, VA	E	RD/RA	89		x	
	McClintic, WV	E	RI			x	
	Mill Creek,	E	RI/FS				x
	Moyer L/F, PA	E	RI/FS	292			x
	Osborne L/F, PA	E	RI/FS	47		x	
	Sand, Gravel & Stone, M	E	RI/FS	233			x
	Tysons,	E	RI/FS				x
	Westline, PA	E	RI/FS	374			x

Region	Site/State	Lead	Activity	NPL #	POTENTIAL FY83 OBLIGATIONS FY QUARTER II	III	IV
IV.	A.L Taylor, KY	S	RD/RA	93		x	
	American Creosote, FL		RI/FS	243		x	
			IRM			x	
	Carolawn, SC	S	RI/FS	368		x	
	Distler Brickyard, KY	E	RI/FS	293		x	
	Distler Farms, KY	E	RI/FS	339		x	
	Hollingsworth, FL	S	RI/FS	193		x	
	[illegible]	E	RI/FS	260		x	
	Miami Drum, FL	S	RD/RA	104		x	x
	Whitehouse, FL	S	RD/RA	114			x
V.	ACME Solvents, IL	S	RI/FS	370		x	
	Byron Salvage, IL	S	RI/FS	346		x	
	Charlevoix, MI		RI/FS	371		x	
	Cross Bros./Pembroke, IL	S	RI/FS	224		x	
	Enviro Chem, IN	E	IRM			x	
	G&H Landfill, MI	S	RI/FS	146		x	
	LDI, MI	S	RI/FS	26		x	
	Laskin Poplar, OH	E	RI/FS	318		x	
	New Brighton, MN	S	RI/FS	42		x	
	New Lyme, OH		RI/FS	306			x
	Northernaire, MI	S	RI/FS	53		x	
		S	IRM			x	
	OMC, IL	E	RA	80			x
	Reilly Tar, MN		RD/RA	43			x
	Rock Creek, OH	E	RI/FS	317		x	
	Rose Township, MI	S	RI/FS	135		x	
	Seymour, IN	E	RI/FS	51		x	
	Summit, OH	E	RI/FS	115		x	
		E	IRM				x
	Verona Well Field, MI	S	RI/FS	169		x	
		S	IRM			x	
	Wauconda, IL	E	RI/FS	108		x	
VI.	Bayou Sorrel, LA	S	RI	278			x
	Bioecology, TX	E	IRM	328	x.		
		S	RD/RA				x
	MOTCO, TX	E	IRM	28	x		
		S	RD/RA				x
	South Valley, NM	E	RI/FS	85	x		
	Triangle Chem, TX	S	RI/FS	412		x	

					POTENTIAL FY83 OBLIGATIONS FY QUARTER		
Region	Site/State	Lead	Activity	NPL #	II	III	IV
VII.	Aidex, IA	E	RD/RA	90			x
	Minker/Stout, MO	E	RD/RA			x	
VIII.	Denver Radium, CO	S	FS	199	x		
		S	RD/RA				x
	Marshall, CO	S	RI/FS	81	x		
		S	IRM		x		
	Mill Town, MT	S	RI/FS	200		x	
	Silver Bow, MT	S	RI/FS				
IX.	Insular Territories	E	RA	89			x
	Iron Mountain, CA	S	RI/FS	59		x	
	Stringfellow, CA	S	RA	32		x	
	Tucson Airport, AZ	S	RI	57		x	
	Globe, AZ	E	FS			x	
X.	Colbert, WA	S	RD	251		x	
		S	RA				x
	Com. Bay, S. Takoma, WA	E	RI	70	x		
		E	IRM		x		
	Com. Bay, Near Shore, WA	S	RI/FS	223		x	
	Lakewood, WA	E	RI/FS	407		x	
		E	RD				x
	Western Processing, WA	E	FS/IRM	315		x	

S - State lead
E - EPA lead

APPENDIX

TO PRELIMINARY ANALYSIS OF
STATE CAPABILITIES AND OPTIONS
FOR FINANCING RESPONSE ACTIONS

CURRENT STATE FUNDS

DETAIL:

Funds

(a) 33 states with hazardous substance funds: AL, AR, AZ, CA, CO, CT, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MO, IV, NH, NJ, NM, NY, OH, OK, OR, PA, RI, SC, TN, TX, VT, WI

(b) 17 states without funds: AK, DE, HI, ID, IA, MN, MS, MT, NE, NC, ND, SD, UT, VA, WA, WV, WY

(c) 2~~1~~2 funds cover remedial action: CA, CT, FL, GA, IN, IL, KS, KY, LA, MA, MO, NH, NJ, NM, NY, OH, OK, PA, RI, SC, TN, TX

(d) 13 funds cover other remedial costs (administrative; identification of sites; personnel training, equipment, supplies): CA, FL, GA, KS, MD, MO, NH, NJ, NM, OH, TN, TX, WI

(e) 9 funds cover non-remedial response only (Perpetual Care/RCRA and Emergency Response): AL, AR, AZ, CO, ME, MI, NV, OR, VI

CURRENT STATE REMEDIAL ACTION FUNDS

TABLE 1
DETAIL OF CURRENT STATE REMEDIAL FUNDS' CEILINGS AND BALANCES

As of July 1982

State	Balance	Ceiling	Comments
CA	$10m ($9m-remedial) ($1m-emergency)	$10m-annual $100m total (w/sunset clause to expire in 10 yrs.)	Haz. Substance Acct. - Ongoing appropriation of $10m remedial and emergency. Annual Tax levied against generators who send waste to land disposals.
	-	none	Hazardous Waste Control Account - Used to support all ongoing programs - not for emergency or removal. Supported by fee on operators-certification program. Tax due to be paid June 1, but have run into problems with reporting (dry weight vs. wet weight).
CT	$151k	none	Emergency Spill Reponse Fund - For emergency and remedial. $200k revolving fund from appropriations. As dwindled, tax on generators imposed (4¢/gallon). Tax not effective until July 1.
FL	$480k	none	Hazardous Waste Management Trust Fund - For emergency and remedial. $600k legislative appropriation - $170k spent $50k received in interest and taxes to date. Supported by tax on generator, fees, permits & fines.
GA	$35k	none	Hazardous Waste Trust Fund - For emergency and remedial. Bond supported, also taxes on operators and generators. If need more money, draw from Governor's Contingency Fund.
IN	Estimate $1-$2m for '83	$10m-annual with $6m minimum	Hazardous Waste Trust Fund - Superfund match-for emergencies and to meet federal funds. Only for land disposal. Tax on generators assessed January-December 1982; due to be collected March 30, 1983 (using waste quantity figures from EPA annual reports). Controversy in taxing underground injection as land disposal. Seymour Recycling is priority site for fund.
	$0	none	Enviromental Management Fund - Can be used for anything involving water, air, and land pollution. Fund made up of violations and fines. Must get Governor's approval for use of fund.
IL	$550k	$25m - annual	Hazardous Waste Fund - For remedial and emergency response at any hazardous waste facility. Floating fund. Supported by tax/gallon. After fund reaches ceiling money goes into general revenues and taxes continue.

CURRENT STATE REMEDIAL ACTION FUNDS

TABLE 1 (cont'd)

State	Balance	Ceiling	Comments
KS	$45.5k	none	Perpetual Care Trust Fund - 20% can be used for site investigations and cleaning of sites closed prior to July 1, 1981. Used mostly for post-closure care after responsible party's 20-30 years has expired. Could probably also be used for cleanup of site where no responsible party has been found.
KY	$178.6k	none	Hazardous Waste Management Fund - Tax on generator and operator.
LA	$1.4m	none	Abandoned Site Fund - remedial
	$500k	not to exceed $500k annual	Emergency Fund - Appropriations and fines. Spillover provision-when fund reaches limit, excess deposited into Abandoned Site Fund.
MA	$2.7m	none	Special legislation to clean up specific sites. Four RFP's for sites not on Superfund list. Started with $5m; $2.3m already spent.
	$500k	$500k/yr. (limited by bond issues)	Revolving Emergency Oil & Hazardous Waste Spill Fund - Originally 1968-70 legislation approved $100k bond issue for clean up of oil, but was used for clean up of other sites as well. Expanded through ammendments to $500k statute, amended to include hazardous waste clean up because there was no hazardous waste funding. Fund will quickly be eaten up by above ground spills, highway accidents, and illegal storage it is believed.
			Oil & Hazardous Waste General Obligation Bond - $25m superfund awaiting approval by Ways & Means Committee.
MO	$75k	none	General Appropriations Fund - By special budget request; specifically as superfund match.
	$100-150k	none	Hazardous Waste Contingency Fund - Used mainly for administrative costs; funded by taxes.
NH	$158k	$3m-annual	Hazardous Waste Cleanup Fund - Started with $200k appropriation. Now supported by fees on generator-1¢/kilo.

CURRENT STATE REMEDIAL ACTION FUNDS

TABLE 1 (cont'd)

State	Balance	Ceiling	Comments
NJ	$6m	$15m-annual with subceiling of $7m/year	Spill Compensation Fund - For remedial and emergency response. $15m fund, $14m already obligated to date. If fund goes below $7m/yr., taxing begins (hazardous substance transfer tax).
	$0	none	Hazardous Discharge Bond Fund - No bonds issued yet (because of present economy).
	$0 (expect $4m/yr.)	none	Landfill Closure Fund - New; not sure how much in it yet. For damage claims only.
NM	$5k	none	Hazardous Waste Emergency Fund - For remedial and emergency. Reimbursements used mostly for court cases, superfund sites.
NY	$0	$10m-annual	Hazardous Waste Remedial Fund - For remedial and emergency. Taxes of $2, $9 & $12 depending on intent (hauling, incineration, etc.) No taxes collected yet - September 1 when fund reaches ceiling, no taxes collected for remainder of year.
OH	$45k	$1.5m/yr. limited by fee structure in state law	Emergency Response Spill Fund - Appropriated from General Assembly and fee structure. At beginning of fiscal year, director of EPA decides maximum amount to be spent and legislature decides spending authority. Fees stop when fund reaches ceiling. For emergency but will probably be used for remedial.
	$1.2 - $1.4 million expected		Hazardous Waste Fund - Designed for remedial clean up but will not be enough to cover more than administrative costs of running hazardous waste program. Fund based on fees.
OK	$100k	none	Hazardous Waste Fund - For remedial and emergency. New fund (Senate Bill 405). No funding mechanism other than legislative appropriations. Lump sum determined by legislators.

CURRENT STATE REMEDIAL ACTION FUNDS

TABLE 1 (cont'd)

State	Balance	Ceiling	Comments
PA	$1m	none	1 year endowment appropriation designed specifically for Superfund. Doesn't rollover so must spend. Expect same next year.
	$600-$700t	none	Solid Waste Abatement Fund - Was used for remedial before new fund established. For all waste, not just hazardous waste. Set up under statute; made up of fines, penalties, bonds, forfeitures-no taxes. Can be used if other fund depleted.
			Clean Stream Fund - Was used to clean up hazardous waste that got into water, before other two funds came along. (1980). Can be used if other funds depleted.
RI	$1.5m	none	Hazardous Substance Emergency Fund - For remedial and emergency. Most of money designated for specific sites. 1980 bond issue with $3m allocated; have used about half to date.
SC	$0	Not more than 3x cost incurred by state (variable)	Hazardous Waste Contingency Fund - Emergency and remedial. 1981-82 appropriations bill makes permanent provision for amount at least equal to and not more than 3 times cost incurred by State. Funds appropriated as needed.
IN	$0	none	Hazardous Waste Trust Fund - To meet financial requirements of currently active sites if improperly closed. Uses performance bonds only; forfeited bonds go into fund set up by statute to be used at state discretion.

CHARACTERIZATION OF CURRENT STATE FUNDS -- SOURCES OF FUNDS

OF 33 STATES WITH HAZARDOUS SUBSTANCE RESPONSE FUNDS:

- 18 RECEIVE LEGISLATIVE APPROPRIATIONS (GENERAL FUNDS): (CO, CT, FL, KS, LA, MD, MA, MI, MO, NV, NM, NY, OK, PA, RI, TX, VT, WI)
- 16 ASSESS STORAGE/DISPOSAL FACILITY OWNER/OPERATOR (TAXES, FEES): (AL, AR, AZ, CA, FL, GA, IL, KS, KY, MD, MI, MO, OH, OK, TN, WI)
- 16 ARE REIMBURSED FROM SOURCE OF RELEASE: (CA, CO, CT, FL, KS, KY, LA, MD, MA, MI, MO, NM, PA, TX, VT, WI)
- 15 USE PENALTIES, FINES, PERFORMANCE BOND FORFEITURES: (AL, CA, CO, CT, FL, GA, IN, KY, LA, MD, MI, NM, PA, TN, TX)
- 11 ASSESS HAZARDOUS WASTE GENERATOR (TAXES, FEES): (CA, CT, FL, GA, IL, IN, KY, ME, MO, NY, SC)
- 4 USE REVENUE OR GENERAL OBLIGATION BONDS (REPAID BY OTHER SOURCES): (GA, MD, NJ, RI)
- 7 USE OTHER SOURCES: (AR, CA, FL, MA, MO, NJ, TX)
    - FL - GRANTS
    - AR, MA - FEE ON STATE TRANSPORTERS
    - MO - GIFTS/DONATIONS
    - NJ - TRANSFER TAX

Status of National Priorities List

- Since the public comment period closed only several weeks ago, and since EPA has received several thousand pages of comments, it is premature to try to accurately project a date for NPL promulgation. We believe the work can be accomplished by this summer.
- Regarding alterations in the list, it is too early to say what effects the comments or other new information might have. However, we are developing guidance for updating the list as soon as the NPL rulemaking process has been completed so that new sites can be added in a timely manner.

Please state how many of the following actions were taken during calendar year 1979, 1980, 1981, 1982, and 1983:

Administrative orders issued under section 3013, 3007, and 7003 of the Resource Conservation and Recovery Act.

Administrative orders issued under sections 104, 106 and 107 of the Superfund law.

Cases referred to the Department of Justice for lawsuits under section 106 or 107 of the superfund law or RCRA, section 7003. Of these cases referred, how many were actually filed and when.

Of those lawsuits filed under RCRA, superfund, Clean Water Act, or the Clean Air Act, how many were litigated to judgments.

Of those lawsuits filed under RCRA, superfund, Clean Water Act or the Clean Air Act, how many included originally or were amended to include a common law cause of action.

Please list all settlements which have been entered into under the Superfund law. For each such settlement, please state whether it was attendant to legal action as well. Please provide copies of each settlement agreement, as well as the names, addresses and titles of those who negotiated the agreement.

Please state what action has been taken to recover Federal expenditures in connection with release by the Ralston-Purina Company of hexane into the Louisville sewer system. Please indicate specifically whether suit has been filed and, if so, whether it included a superfund count.

Settlements

Consent Decress, Administrative Orders on Consent, Consent Agreements to secure privately financed cleanup and Voluntary Cost Recoveries

Site	Type of Action	$ Value of Action	Date of Action	Priority List
1. W. R. Grace	C.D		FY 81	N
2. Kin-Buc	C.D.		FY 81	I, N
3. Automated	C.D.		FY 81	None
4. Gulf Coast Lead	C.D.		FY 81	None
5. Laskin Greenhouse	C.D.		FY 81	E, N
6. County of Waukesha	C.D.		FY 81	None
7. Energy Systems (ENSCO)	C.D.		FY 81	None
8. Syntex Agri.	C.D.		FY 81	N
9. Am. Ecol. Recycle Research	C.D.		FY 81	None
10. Hooker "Lathrop"	C.D.		FY 81	None
11. General Disposal (Inmont)	C.A. Cost recovery	$700K 30K	FY 81 (Q 3)	None
Sub-total for FY81		$ 38.7 Million	Note - Estimated $ value of individual settlements are being re-analyzed for quality assurance.	
12. Spectron	C.D	700K	FY 82	None
13. Langcaster	C.D.	100K	FY 82	None
14. ABM-Wade	C.D.	1.6M	FY 82 (1st qr)	I,N
15. Bluff Rd.	C.D.	1.6M	FY 82 (2nd qr)	I,N
16. Waynesboro	C.D	500K	FY 82	None
17. Ciszar	C.D.		FY 82 (2nd qr)	None
18. Vertac	C.D.	1.3M	FY 82 (2nd qr)	I,N
19. Helena	C.D.	1M	FY 82	None

C.A. = consent agreement C.D.=consent decree AO=§106 administrative order

I=Interim Priority List E=Expanded Eligibility List N=National Priority List

20. Hyde Park (Hooker)	C.D.	30M	FY 82	N	
21. Bridgeport	C.D.	25K	FY 82 (3rd qr)	I,N	
22. Fike	C.D.	800K	FY 82	N	
23. Fisher-Calo	C.D.	50K	FY 82	N	
24. Petro Proc.	C.D.	218K	FY 82	None	
25. LiPari	C.D.	75K	FY 82 (3rd qr)	I,N	
26. Woburn	AO(consent) cost recovery	3.5M 60K	FY 82 (3rd qr) " "	I,N "	
27. New Bedford	AO(consent)	300K	FY 82 (3rd qr)	E,N	
28. Gold Coast	C.A.	220K	FY 82 (3rd qr)	I,N	
29. Walcott	C.A.	177K	FY 82 (3rd qr)	I	
30. Whitewood Creek	C.A.	300K	FY 82	I,N	
31. Rose Park	C.A.	1M	FY 82	I,N	
32. McAdoo	C.A. Cost Recovery	2.1M 5 K	FY 82 (2-4qr)	I,N	
33. Chem-Dyne	C.A. Cost Recovery	2.2M	FY 82 (4th qr)	I,N	
34. Aidex	Cost Recovery	12K	FY 82	I,N	
35. Summit	C.A./State	$2M	FY 82 (1st qr)	I,N	Note - settlement was with the State of Ohio.
36. Region VIII Spill	Cost Recovery	$100K	FY 82	None	

Sub-total for FY 82

Clean up: $45.5 Million (Note - Summit not included)

Cost Recovery: 2.3 Million - Federal

37. Seymour	C.D.	11.2M	FY 83 (1st qr)	I,N
38. Gratiot County	C.D. cost recovery: Federal State	24.5M 500K 13.5M	FY 83 (1st qr)	I,N
39. Solvents Recovery	C.D.	$800K	FY 83 (1st qr)	N
40. Olin-Triana	C.D.	$24M +*	FY 83 (2nd qr)	I Note - Federal Facility
41. Olney, IL.	C.D. Cost recovery Fed State	$1.4M $61K $38K	2/83	None
42. Frit Industries	A.O.(consent)	$100K +	2/83	I, N

Subtotal - FY83 to date
Cleanup: $ 62.0 Million
Cost Recovery: .6 Million (Fed.)

* $24M for 3rd party compensation; no estimate yet on cost of site cleanup.

CERCLA §106 ADMINISTRATIVE ORDERS

Through February, 1983

Site	Type	Date	Number
Woburn (MA)	On Consent	5/82	1
New Bedford Harbor (MA)	" "	5/82	1
MEK * (NY)	Unilateral	9/82	4
Neosho * (KS)	" "	8/82	2

FY82 Total - 8 orders involving 4 sites
(4 on consent)
(4 unilateral)

Site	Type	Date	Number
Chem Dyne (OH)	On Consent	11/82	112
MEK * (an additional party)(NY)	Unilateral	12/82	1
Frit Industries (AR)	On Consent	2/83	1

FY83 Total to date - 114 orders involving 3 sites
(113 on consent)
(1 unilateral)

Grand Total - 122 orders involving 6 sites
(117 on consent)
(5 unilateral)

* Not an NPL Site

Note - There is no administrative order authority under §§104 or 107

RCRA §7003 Orders

1981

GE	5-81	Consent Order

1982

Bel Ray Co.(NJ)	4-2-82	Consent Order
Browning-Ferris Inc. of South Jersey	4-2-82	Consent Order
Stauffer	5-25-82	Consent Order

RCRA §3013 Orders

1981

GE	5-81	Consent Order
Dover Chemical	10-23-81	Consent Order

1982

Neosho (2 orders)	8-16-82	Unilateral Order
Findett	9-16-82	Consent Order
Browning-Ferris Inc.	6-22-82	Consent Order
Syntex	7-6-82	Consent Order
Western Processing	8-16-82	Unilateral Order

1983

Chamberlain-Collis	1-23-83	Consent Order

RCRA ENFORCEMENT ACTIVITIES

MONTH FY '81 FINAL

		REGIONS	I	II	III	IV	V	VI	VII	VIII	IX	X	TOTAL
NO. OF §3007 LETTERS ISSUED		MONTH	-	-	-	-	-	-	-	-	-	-	-
		CUM	188	11,037	240	1367	174	214	228	253	96	42	13,839
NO. OF INSPECTIONS	MONTH	STATE	-	-	-	-	-	-	-	-	-	-	-
		REGION	-	-	-	-	-	-	-	-	-	-	-
	GENERATORS		0	112	6	22	11	64	2	11	0	7	235
	TRANSPORTERS		0	21	0	6	0	12	0	-	0	0	39
	TSDF'S		0	107	2	16	8	21	0	1	25	2	182
	COMBO		5	0	0	47	13	42	0	-	0	20	127
	CUM	STATE	470	1053	237	772	1221	461	180	241	1122	101	5858
		REGION	178	325	151	164	273	166	131	437	138	60	2033
NO. OF §3008 WARNING LETTERS ISSUED		MONTH	-	-	-	-	-	-	-	-	-	-	-
		CUM	28	53	9	-	110	5	0	269	0	2	475
NO. OF §3008 WARNING LETTERS RESOLVED		MONTH	-	-	-	-	-	-	-	-	-	-	-
		CUM	-	-	-	-	-	-	-	-	-	-	-
NO. OF §3008 COMPLAINTS ISSUED		MONTH	-	-	-	-	-	-	-	-	-	-	-
	GENERATORS		-	-	-	-	-	-	-	-	-	-	-
	TRANSPORTERS		-	-	-	-	-	-	-	-	-	-	-
	TSDF'S		-	-	-	-	-	-	-	-	-	-	-
	COMBO		-	-	-	-	-	-	-	-	-	-	-
		CUM	12	18	6	-	86	6	1	9	17	2	157
NO. OF §3008 FINAL ORDERS ISSUED		MONTH	-	-	-	-	-	-	-	-	-	-	-
		CUM	-	-	-	-	-	-	-	-	-	-	-
AMOUNT OF §3008 PENALTIES	MONTH	ASSESSED	-	-	-	-	-	-	-	-	-	-	-
		COLLECTED	-	-	-	-	-	-	-	-	-	-	-
	CUM	ASSESSED	157,350	334,600	108,000	-	207,600	204,350	0	138,600	56,100	16,975	1,223,575
		COLLECTED	-	-	-	-	-	-	-	-	-	-	-
NO. OF ADMINISTRATIVE ORDERS ISSUED	MONTH	3013 INITIAL	-	-	-	-	-	-	-	-	-	-	-
		3013 FINAL	-	-	-	-	-	-	-	-	-	-	-
		7003	-	-	-	-	-	-	-	-	-	-	-
	CUM	3013	1	0	0	-	0	0	0	-	0	0	1
		7003	1	0	0	-	0	0	0	-	0	0	1
NO. OF HEARINGS	MONTH	COMMENCED	-	-	-	-	-	-	-	-	-	-	-
		COMPLETED	-	-	-	-	-	-	-	-	-	-	-
	CUM	COMMENCED	-	-	-	-	-	-	-	-	-	-	-
		COMPLETED	-	-	-	-	-	-	-	-	-	-	-
NO. OF §3008 JUDICIAL ACTIONS REFERRED TO DOJ		MONTH	-	-	-	-	-	-	-	-	-	-	-
		CUM	1	0	1	-	0	0	0	0	0	0	2

RCRA ENFORCEMENT ACTIVITIES

MONTH FY '82 CUM FINALS

		REGIONS	I	II	III	IV	V	VI	VII	VIII	IX	X	TOTAL
NO. OF §3007 LETTERS ISSUED		MONTH											
		CUM	91	113	0	0	7	0	33	61	206	1	512
NO. OF INSPECTIONS	MONTH	STATE											
		REGION											
	GENERATORS												
	TRANSPORTERS												
	TSDF'S												
	COMBO												
	CUM	STATE	1174	1024	998	4168	1796	1762	1220	347	508	245	14,242
		REGION	115	219	66	85	28	118	132	683	96	93	1635
NO. OF §3008 WARNING LETTERS ISSUED		MONTH											
		CUM	24	166	13	13	585	6	66	91	0	25	989
NO. OF §3008 WARNING LETTERS RESOLVED		MONTH											
		CUM	15	145	0	13	18	3	46	57	0	5	302
NO. OF §3008 COMPLAINTS ISSUED		MONTH											
	GENERATORS												
	TRANSPORTERS												
	TSDF'S												
	COMBO												
		CUM	50	39	73	0	31	0	25	8	0	1	227
NO. OF §3008 FINAL ORDERS ISSUED		MONTH											
		CUM	26	21	40	1	35	5	7	7	0	0	142
AMOUNT OF §3008 PENALTIES	MONTH	ASSESSED											
		COLLECTED											
	CUM	ASSESSED	155,675	679,900	118,600	2500	57,000	163,950	146,750	86,000	0	210,000	1,620,375
		COLLECTED	73,500	142,066	29,400	0	28,000	0	10,000	5,400	1800	0	290,166
NO. OF ADMINISTRATIVE ORDERS ISSUED	MONTH	3013 INITIAL											
		3013 FINAL											
		7003											
	CUM	3013 INITIAL	0	0	0	0	1	0	4	0	0	1	6
		3013 FINAL	0	0	0	0	1	0	4	0	0	1	6
		7003	1	3	0	0	0	0	0	0	0	0	4
NO. OF HEARINGS	MONTH	COMMENCED											
		COMPLETED											
	CUM	COMMENCED	2	2	0	1	1	0	0	0	0	0	6
		COMPLETED	0	1	0	1	0	0	0	0	0	0	2
NO. OF §3008 JUDICIAL ACTIONS REFERRED TO DOJ		MONTH											
		CUM-CIV/CRIM	2/0	0/0	0/0	0/0	1/3	2/0	0/0	0/0	0/0	0/0	5/3

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                                                             US E.P.A.
      REPORT DATE: 03/11/83                         RCRA ENFORCEMENT ACTIVITIES
0                                                          FOR MONTH 02/83
*                            REGIONS       I      II     III      IV       V      VI     VII    VIII      IX       X   TOTAL
0NO. OF #3007                MONTH         0       3       0       0       0       0       1       1       6       0      11
    LETTERS ISSUED           FY CUM        0      12       1       0       3       0       6      12      13       3      50
0NO. OF EVALUATION
  INSPECTIONS                MONTH         1       0       0       0       0       4      10      10       1       2      28
     GENERATORS                            0       0       0       0       0       1       3       5       0       2      11
    TRANSPORTERS                           0       0       0       0       0       0       0       2       0       0       2
          TSDF"S                           0       0       0       0       0       0       0       0       0       0       0
           COMBO                           1       0       0       0       0       3       7       3       1       0      15
                             FY CUM       24      19      21       4       8      34      38      88      16       5     259
0NO. OF SAMPLING
  INSPECTIONS                MONTH         0       0       0       0       0       0       0       0       0       1       1
     GENERATORS                            0       0       0       0       0       0       0       0       0       0       0
    TRANSPORTERS                           0       0       0       0       0       0       0       0       0       0       0
          TSDF"S                           0       0       0       0       0       0       0       0       0       0       0
           COMBO                           0       0       0       0       0       0       0       0       0       1       1
                             FY CUM        0       0       0       0       0       0       0       2       0       1       3
0NO. OF #3008 WARNING        MONTH         1      16       1       0       0      41       4       3       5       7      78
  LETTERS ISSUED             FY CUM        7     102      16       3     237      48      34      48      32      21     548
0NO. OF #3008 WARNING        MONTH         0       0       0       0       0       0       0       0       0       1       1
  LETTERS RESOLVED           FY CUM        0      42       7       1       8       1      17      32       8       4     120
0NO. OF #3008                MONTH
 COMPLAINTS ISSUED                         1       2       0       4       0       2       2       0       2       1      14
     GENERATORS                            0       1       0       2       0       0       0       0       0       0       3
    TRANSPORTERS                           0       0       0       0       0       0       0       0       0       0       0
          TSDF"S                           0       0       0       1       0       0       0       0       0       0       1
           COMBO                           1       1       0       1       0       2       2       0       2       1      10
                             FY CUM        6      25       3      16      46       4       9       5       4       3     121
0NO. OF #3008 FINAL          MONTH         1       1       1       0       0       0       1       0       0       0       4
    ORDERS ISSUED            FY CUM       11      11       3       0      44       2       7       2       0       1      81
0AMT. OF #3008   MONTH       ASSESSED      0    1000    1500       0       0       0    8250       0       0       0   10750
   PENALTIES                 COLLECTED     0       0    1500       0       0       0    6600       0       0       0    8100
                    FY CUM   ASSESSED   3600   36400    1500       0    1250       0   39750       0       0    1000   83500
                             COLLECTED  5100   14857    1500       0       0       0   21900       0       0       0   43357
0NO. OF             MONTH    3013 INIT     0       0       0       0       0       0       0       0       0       0       0
 ADMINISTRATIVE              3013 FINAL    0       0       0       0       0       0       0       0       0       0       0
 ORDERS ISSUED               7003          0       0       0       0       0       0       0       0       0       0       0
                   FY CUM3013 INIT         0       0       0       0       0       0       0       0       0       0       0
                             3013 FINAL    0       0       0       0       0       0       0       0       0       0       0
                             7003          0       0       0       0       0       0       0       0       0       0       0
0NO. OF HEARINGS MONTH COMMENCED           0       0       0       0       0       0       0       0       0       0       0
                             COMPLETED     0       0       0       0       0       0       0       0       0       0       0
                      FY CUM COMMENCED     0       0       0       0       0       0       0       0       0       0       0
                             COMPLETED     0       0       0       0       0       0       0       0       0       0       0
      REPORT DATE: 03/11/83                         RCRA ENFORCEMENT ACTIVITIES
0                                                          FOR MONTH 02/83
*                            REGIONS       I      II     III      IV       V      VI     VII    VIII      IX       X   TOTAL
0NO. OF #3008
       CIVIL ACTIONS         MONTH
       CIVIL ACTIONS         FY CUM
0NO. OF #7003
       CIVIL ACTIONS         MONTH
       CIVIL ACTIONS         FY CUM
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COMPLIANCE ORDERS INDEX
UNDER RCRA §3008

OFFICE OF WASTE PROGRAMS ENFORCEMENT

ENVIRONMENTAL PROTECTION AGENCY

Updated :
March 28, 1983

REGION I

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
3/31/81	Coating System, Inc. Nashua, NH	NHD056331077	$9400	265.14,.16,.37
4/27/81	Stanchem, Inc. East Berlin, CT	CTD047711346	$4300	265.13,.15,.16,.34, .174
4/27/81	Chem-Pak Corportion Cranston, RI	RID084802842	$15,775	265.13,-.16,.73,.171 262.11
5/05/81	Peabody Clean Ind., Inc. Davisville, RI		$14,550	265.14,.15,.16,.31, .53,.173
5/15/81	Monet Jewelers, Inc. Providence, RI	RID001195098	$5100	262.34;265.16,.53
6/15/81	Carroll Products, Inc. Wood River Junction, RI		$30,000	265.1;3005;3010
6/17/81	Environmental Waste Removal, Inc. Waterbury, CT	CTD072138969	$44,775	265.15,.171,.251,.81 .34,.13(b),.16(d) .14(b)
6/23/81	Bruno and Stillman Yacht Company Newington, NH	NHD046312468	$20,000	3010;122.22;3005
7/02/81	Dytex Chemical Company Central Falls, RI	RID001462795	$2000	261;122.22
7/02/81	Cherry Semiconductor Co. East Greenwich, RI		$4100	261.21;262.112
8/11/81	New Hampshire Ball Bearings, Inc. Petersborough, NH		$8000	122.22;262;3002;3005 3010

REGION I (2)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
9/04/81	Faria Gauge Corporation Uncasville, CT	CTD043038744	$13,000	265.13,.14(b),.15, .16(d),.51,.52,.53
7/02/81	Cherry Semiconductor Co. East Greenwich, RI		$4100	261.31;262.12
9/23/81	CIBA-GEIGY Chemical Co. Cranston, RI	RID001194323	$13,875	265.14,.16,.171,.173
9/30/81	G.M. Gannon Company Warwick, RI	RID051508034	$15,775	3010;3005;122.22; 263.20
10/6/81	Kollsman Instrument Co. Merrimak, NH	NHD000791178	*******	122.22
10/6/81	General Electric Co. Providence, RI	RID075725952	*******	122.22
10/6/81	Windsor Manufacturing Company Windsor, CT	CTD001148303	*******	122.22
10/6/81	Westinghouse Electric Corporation Hyde Park, MA	MAD001043306	*******	122.22
10/6/81	Athol Department of Public Works Athol, MA	MAD000844159	*******	122.22
10/6/81	United States Air Force Loring AFB, ME	ME9570024522	*******	122.22

******* See endnote on last page

REGION I (3)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
10/6/81	Dow Chemical USA Wayland, MA	MAD056002090	*******	122.22
10/6/81	Permuthane (Beatrice Foods Co. Peabody, MA	MA055992465	*******	122.22
10/6/81	Sperry Corporation Sudbury, MA	MAD073809402	*******	122.22
10/6/81	MTD Products Inc. Westfield, MA	MAD001115609	*******	122.22
10/6/81	Light Metals Coloring Co., Inc. Southington, CT	CTD001162460	*******	122.22
10/6/81	Westinghouse Electric Corporation Bridgeport, CT	CTD001183078	*******	122.22
10/6/81	The Voltax Company Bridgeport, CT	CTD001164383	*******	122.22
10/6/81	King Industries, Inc. Norwalk, CT	CTD042279513	*******	122.22
10/6/81	Contract Plating Co,Inc. Stratford, CT	CTD001180462	*******	122.22
10/6/81	J.B. Coggins Manuf. Co. Meridan, CT	CTD000842906	*******	122.22
10/6/81	Connecticut Galvanizing Glastonbury, CT	CTD046233003	*******	122.22

******* See endnote on last page

REGION I (4)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
10/6/81	Cutronics, Inc. Nashua, NH	NHD000769927	*******	122.22
10/23/81	Risdon Corporation Naugatuck, CT	CTD058862194	$7800	265.171,.13,.14
11/12/81	Bass Plating Company Bloomfield, CT	CTD001145671	$9450	265.192(c),.13, .14(a),.14(c)
11/23/81	General Dynamics - Electric Boat Division Groton, CT	CTD018668269	$10,975	265.14,.31;262.34
12/02/81	Gulf & Western Mfg. Co. Middletown, CT	CTD051320372	$4650	265.14,.251
2/04/82	Plastiglide Mfg. Co. Waterbury, CT	CTD001185974	$4300	265.14
2/18/82	Sanitary Dash Mfg. Co. N. Grovsnordale, CT	CTD001153840	$19,400	265.13(b),.14,.15, .51-.53,.73,.112
3/19/82	A & Z Hayward Co., Inc. East Providence, RI		$6850	262.20,.21
3/30/82	Union Roto-Graving, Inc. Putnam, CT	CTD001159300	$19,550	265.13-.16,.34,.51 .73,.112
	Gemco Enterprises East Providence, RI		$6850	265.1;122;124;301(

******* See endnote on last page

REGION II (1)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
2/10/81	Nearl Corporation		$6500 ass. $3000 set.	
2/11/81	Donner-Hanna Coke Joint Venture Buffalo, NY	NYD002110971		
6/09/81	Jersey Smelting and Refining Co. Jersey City, NJ	NJD000540062	$11,500	262.12,.20,.34; 265(c)(d)
6/09/81 6/24/82	Troy Chemical Corp. Newark, NJ	NJD002144517	$13,600 $7000 set.	265.198(a),.171
7/20/81	Nassau Chemical Corp.		$7000 ass. $2400 set.	
7/23/81	Witco Chemical Perth Amboy, NJ	NJD002165561	$8500	265.31
8/14/81	Revlon, Inc. Edison, NJ	NJD002520542	$5000	265.35
8/17/81	SGL Modern Hardchrome Service Pennsauken, NJ	NJD002356475	$10,000	122.22;264.13,.31
8/20/81	Laminating Corporation of America Eatontown, NJ	NJD052450699	$7000	262.11,.34(a)(5)
9/08/81	The Geldback Refrigerator Co., Inc. Sparta, NJ	NOT NOTIFIED	$6000	3010; 122.22
9/24/81	Reichhold Chemicals Carteret, NJ	NJD002520021	$14,000	265.171,.173(a)

REGION II (2)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
9/28/81	Chromalloy American Corp Orangeburg, NJ	NYD046387549	$64,000	262.12(c),.20(a)(b)
9/29/81	Cellofilm Corporation Newark,NJ	NJD000813451	$14,000	265.171,.173(b)
10/01/81	Plasti-Clad Metal Prod. Ridgewood,NJ	NJD002520021	$15,000	3005
10/26/81	Martin A. Aaron, Inc. Camden, NJ	NJD014623854	$14,000	265.31,.171
10/31/81	North American Phillips Corporation Hightstown, NJ	NJD043290659	$11,500	265.13(a)(b),.15, .16(d),.51(a)
11/06/81	M and T Chemicals Rahway, NJ	NJD001723147	$3500	122.22
11/17/81	SCA Chemical Waste Syst. Model City, NY	NYD049836679	$4500	265.173(a),.171
11/23/81	Syncon Resins,Inc. Farnow Division South Kearny, NJ	NJD006426817	$30,000	122.22;264.171,.31, .112,.118
11/30/81	Hooker Chemicals and Plastics Corp. Burlington, NJ	NJD043973122	$9000	265.171,.31
1/15/82	Safety-Kleen Corp.- Clayton Center Clayton, NJ	NJD069039626	$2800	262.50(d)
1/15/82	Mr. Benjamin Farber South Kearney, NJ	NJD064263817	$30,000	122.22;264.171,.31, .112,.118

REGION II (3)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
1/15/82	Borden Chemical-Printing Ink Division † Camden, NJ	NJD076146279	$5000	265.112
1/15/82	Borden Chemical Bainbridge, NY	NYD000691865	$10,000	265.112,.118
1/15/82	R.F.L. Industries Boontown, NJ	NJD002156677	$6500	265.31
1/15/82	Saytech, Inc.† East Brunswick, NJ	NJD000310961	$2700	265.15,.31,.171
1/18/82	Rollway Bearing Div. Liverpool, NY	NYD071462279	$4000	265.112
2/03/82	Borough of Carteret Sewerage Treatment Plant Carteret, NJ	NJD000691121	$5000	262.11
2/03/82	Barone Barrel & Drum Co. Paterson, NJ	NJT000028134	$60,000	122.22;265.171,.31
2/03/82	Monroe Furniture and Metal Stripping Rochester, NY	NYT000603854	$25,000	3010;122.22;265.31, .112,.113
2/17/82	Simmons Fastener Albany, NY	NOT NOTIFIED	$2500	3010
2/26/82	Hazardous Waste Disposal Incorporated Farmingdale, NY	NYT000603854	$60,000	265.31,.35
2/26/82	Shulton Industires Clifton, NJ	NJD002190304	$10,000 $3000 set.	

† See later date for Final Order

REGION II (4)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
2/24/82	Cellomer Corporation † Newark, NJ	NJD048797195	$19,000	
3/11/82	Weston Industries Newark, NJ	NJD000214794	$5000	262.21(a)(5)
3/24/82	General Electric Co,Inc. Waterford, NY	NYD002080034	$90,000	265.17,.31,.171,.173
3/24/82	Central Steel Drum Co. Newark, NJ	NJD011482577	$38,800	
5/12/82	Bendix Corporation Sidney, NY	NYD001827633	$17,000	265.173(a,b),.171
5/26/82	Pennwalt Corporation † Holmdel, NJ	NJD005278528	$7000	265.35,.177
5/18/82	Majestic Weaving Co. Cornwall, NY	NYD001701382	$7000	265.90
5/20/82	Bayonne Barrel & Drum Co Newark, NJ	NJD009871401	$55,000	265.31,.251,.253
5/28/82	Deptford Plating Co. Haddonfield, NJ	NJD002491116	$14,000	265.16(d),.31,.51(a) .192(b)
	Paeco, Inc. Toms River, NJ	NJD091397893	$10,500	265.173(a),.171
6/06/82	Van DeMark Chemical Co. Lockport, NY	NYD002116192	$9000	265.271
6/28/82	John A. Roebling Steel Corp. (JARSCO) Roebling, NJ	NJD990743833	$47,000	3005;265.31,.90, .251,.253

† See later date for Final Order

REGION II (5)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
6/29/82	Industrial Service Corp. Elmira, NY	NYD002221430	$24,000	265.14,.17,.31,.173 .177,.192,.198
7/19/82	Star Expansion Ind. Corp Mountainville, NY	NYD00123338	$20,000	265.14,.31,.251,.253
7/23/82	Danskammer Steam Station Newburgh, NY	NYT370010282	$8500	265.90
7/27/82	The Penick Corporation Lyndhurst, NY	NJD081894842	$3000	265.198
7/27/82	Ponce Municipal Dump Ponce, PR	PRT000010231	$30,000	265.14,.31,.90,.112, .118
7/28/82	Cessna Aircraft Co., Inc Boonton, NJ	NJD002155448	$13,250	265.92,.174
8/26/82	Saytech, Inc. East Brunswick, NJ	FINAL ORDER	$7000	
9/3/82	LCP Chemicals, Inc. Linden, NJ		$1500	265.222
9/18/82	Woolsey Marine; Div. of Metro. Greetings, Inc. Brooklyn, NY	NYD056268972	$16,500	265.31,.171,.176
9/22/82	Universal Aluminum Extrusion Company Pleasantville, NJ		$11,000	122.22;265.111,.112, .197

REGION II (6)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
9/23/82	Randolph Products Co,Inc Carlstadt, NJ	NJD002003846	$13,000	122.22;262.34,.42
10/02/82	Amerchol Corporation Edison, NJ	NJD053099974	$10,000	265.112
10/06/82	Cellomer Corporation Newark, NJ	FINAL ORDER	$8000	122.22;265.31,.171; 262.11
10/28/82	New York City Transit Authority New York, NY	NYD980646335	$20,000	122.22;262.11;265.31 .35,.76,.90,.171, .174
10/29/82	Tuck Industries, Inc. Beacon, NY	NYD001396894	$15,500	122.22;262.34;265.15 .16,.35,.51,.52,.7 .112,.142,.171,.17
11/17/82	Pennwalt Corporation Holmdel, NJ	FINAL ORDER	$1500	265.35,.177
11/17/82	National Starch and Chemical Company Bloomfield, NJ	NJD061073151	$1500	265.35
11/22/82	Hyatt Clark Industries Clark, NJ	NJD00245174	$3000	265.171,.173,.253
11/24/82	Columbus McKinnon Corp. Tonawanda, NY	NYD002105534	$8200	265.31,.171,.173
11/24/82	Ungerer and Company Totawa, NJ	NJD002200426	$14,500	122.22;265.31,.171, .173(a)(b)
11/24/82	Phillps ECG Corporation Seneca Falls, NY	NYD002246015	$8000	265.90,.173

REGION II (7)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
1/18/83	Borden Chemical-Printing Ink Division Camden, NJ	FINAL ORDER	$3000	265.112
1/31/83	Allomatic Industries Woodside, NY	NYD002059293	$7000	262.34;3005;122.22
2/1/83	Goodman Brothers Steel Drum Co., Inc. Brooklyn, NY	NYD047683776	$7500	3005;122.22;262.34
2/3/83	Gulf Oil Corporation Staten Island, NY	NYD074345315	$12,000	3005;122.22;265.90. .223
2/3/83	Hoboken Paints, Inc. Lodi, NJ	NJD001378538	$10,000	3005;262.34
2/4/83	Donner-Hanna Coke Joint Venture Buffalo, NY	FINAL ORDER	$6000	265.13(b),.15(b),.50
2/9/83	General Electric Co.,Inc Binghampton, NY	FINAL ORDER	$3500	122.22(a)
2/8/83	Tuck Industries, Inc. Beacon, NY	FINAL ORDER	$7750	122.22;262.34;265.15 .16,.35,.51,.52, .53,.73,.112,.142, .171,.173
2/14/83	The Borough of Carteret Sewerage Trmt. Plant Carteret. NJ	FINAL ORDER	*******	262.11
2/22/83	Industrial Services Corp Elmira, NY	FINAL ORDER	$7000	265.14,.17,.31,.173, .177,.192,.198

REGION III (1)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
2/26/81	Culpepper Wood Preserves Culpepper, VA †	VAT000621300	$20,000	122.23
6/11/81	Koppers Corporation , WV	WVT550010144	$25,000	265.314(a)
7/13/81	Big John Salvage † , WV	WVD005482794	$26,500	TSD
7/21/81	Westinghouse Electric Corporation † Pittsburgh, PA	PAD003935426	$20,000	122.23
7/22/81	Wheeling Machine Products Company † Wheeling, WV	WVD004319091	$10,000	262.20,.30
9/11/81	FMC Corporation South Charleston, WV	WVD005005087	$25,000 WITHDRAWN	265.171,.174
9/15/81	W & W Technologists Washington, D.C.	NONE GIVEN	$3000	122.22
10/20/81	Culpepper Wood Preserves Culpepper, WV	FINAL ORDER	$4500	122.22
10/20/81	Wheeling Machine Products Company Wheeling, WV	FINAL ORDER	$2500	262.20,.30
10/22/81	Westinghouse Electric Corporation Pittsburgh, PA	FINAL ORDER	$5000	122.23
10/27/81	Freeman Chemical Co. Chatham, VA	VAD055046049	$15,000 WITHDRAWN	265.15

REGION III (2)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
11/19/81	Spectron, Inc. † Elkton, MD	MDD000218008	*******	122.22
12/18/81	General Electric Co. † Bridgeville, PA	PAD060682622	*******	265;122;124
12/18/81	Rea Magnet Wire Company† Buena Vista, VA	VAD065399008	*******	122.22;265
2/5/82	General Electric Co. Bridgeville, PA	FINAL ORDER	*******	265;122;124
2/8/82	General Electric Co. † Winchester, VA	VAD070360219	*******	122.22;265
2/8/82	Casket Shells, Inc. Eynon, PA	PAD003039419	******* WITHDRAWN	122.22;265
2/8/82	Childer's Products, Inc. Bristol, PA †	PAD064361926	*******	122.22
2/8/82	Mayco Oil and Chemical Co., Inc. † Bristol, PA	PAD004961579	*******	122.22
2/8/82	Sherwin-Williams Co. † Crisfield, MD	MDD054913595	*******	122.22;265
2/8/82	Ashland Chemical Co. † Freedom, PA	PAD000797548	*******	122.222;265
2/8/82	Ashland Chemical Co. † Roanoke, VA	VAD062373600	*******	122.22;265
2/8/82	Ashland Chemical Co. † Easton, PA	PAD043394683	*******	122.22;265

REGION III (3)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
2/8/82	Proto-Circuit, Inc. † Rockville, MD	MDD064846959	*******	122.22;265
2/8/82	Teledyne-Vasco † Monaco, PA	PAD057629479	*******	122.22;265
2/8/82	Thompson Steel Co. † Sparrows Point, MD	MDD046282141	*******	122.22;265
2/8/82	C.K. Company † South Boston, VA	VAD089022685	*******	122.22;265
2/8/82	Koppers Company Salisbury, MD	MDD056506389	*******	122.22;265
2/8/82	Dana Corp.-Parish Div. † Reading, PA	PAD064378565	*******	122.22;265
2/8/82	Western Publishing Co. † Racine, WI	MDD003069721	*******	122.22;265
2/8/82	Honeywell, Inc. † King of Prussia, PA	PAD002101335	*******	122.22;265
2/8/82	East Falls Corp. † Frazer, PA	PAD048037600	*******	122.22;265
2/8/82	DeVilbiss Co.-Health Care Division † Somerset, PA	PAD990752537	*******	122.22;265
2/10/82	FBC Chemical Corp. † Mars, PA	PAD053160297	*******	122.22;265
2/10/82	American Electric Power Service Corp. Lakin, WV	WVD063465561	******* WITHDRAWN	122.22;265

REGION III (4)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
2/10/82	Emporium Specialties † Austin, PA	PAD002101335	*******	122.22;265
2/10/82	Interstate Chemical Co. West Middlesex, PA	PAT440011583	******* WITHDRAWN	122.22;265
2/10/82	Carlisle Tire & Rubber † Carlisle, PA	PAD096255724 PAD069784049	*******	122.22;265
2/10/82	Pioneer Salt & Chemical Philadelphia, PA	PAD065728826	******* WITHDRAWN	122.22;265
2/10/82	Federal Mogul Corp. Lancaster, PA	PAT440011575	******* WITHDRAWN	122.22;265
2/10/82	Kelly Run Sanitation † Elizabeth, PA	PAD004810222	*******	122.22;265
2/19/82	Westinghouse Electric Corporation † Pittsburgh, PA	See Attachment A	*******	122.22;265
2/19/82	Rea Magnet Wire Co. Buena Vista, VA	FINAL ORDER	*******	122.22;265
2/22/82	Childers Products, Inc. Bristol, PA	FINAL ORDER	*******	122.22
2/22/82	Mayco Oil and Chemical Bristol, PA	FINAL ORDER	*******	122.22
2/22/82	Honeywell, Inc. King of Prussia, PA	FINAL ORDER	*******	122.22;265
2/22/82	Dana Corporation Reading, PA	FINAL ORDER	*******	122.22;265

REGION III (5)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
2/22/82	East Falls Corporation Frazer, PA	FINAL ORDER	*******	122.22;265
2/25/82	Kenneth Bryant † New Canton, VA	VAT000621847	*******	122.22;265
3/1/82	Ametek, Inc.† Odonton, MD	MDD082612110	*******	122.22;265
3/1/82	Paul's Chrome Plating Mars, PA	PAD094212081	******* WITHDRAWN	122.22;265
3/1/82	Standard Steel Spec. † Beaver Falls, PA	PAD004329074	*******	122.22;265
3/1/82	Bethlehem Apparatus Co.† Hellertown, PA	PAD002390961	*******	122.22;265
3/1/82	Ohio River Industries Midland, PA	PAT440012482	******* WITHDRAWN	122.22;265
3/1/82	Casket Shells, Inc. Eynon, PA	FINAL ORDER	*******	122.22;265
3/1/82	Teledyne-Vasco Monaco, PA	FINAL ORDER	*******	122.22;265
3/1/82	C.K. Company South Boston, VA	FINAL ORDER	*******	122.22;265
3/1/82	FBC Chemical Company Mars, PA	FINAL ORDER	*******	122.22;265
3/1/82	Kelly Run Sanitation Elizabeth, PA	FINAL ORDER	*******	122.22;265

REGION III (6)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
3/1/82	DeVilbiss Co.-Health Care Division Somerset, PA	FINAL ORDER	*******	122.22;265
3/4/82	Ashland Chemical Co. Easton, PA	FINAL ORDER	*******	122.22;265
3/4/82	Carlisle Tire & Rubber Carlisle, PA	FINAL ORDER	*******	122.22;265
3/5/82	Statesman Park Landfill† Roanoke, VA	VAT530010180	$25,000	261.32;122.22;124; 264;267
3/8/82	Proto-Circuit, Inc. Rockville, MD	FINAL ORDER	*******	122.22;265
3/9/82	Ashland Chemical Co. Roanoke, VA	FINAL ORDER	*******	122.22;265
3/9/82	General Electric Co. Winchester, VA	FINAL ORDER	*******	122.22;265
3/9/82	Thompson Steel Company Sparrows Point, MD	FINAL ORDER	*******	122.22;265
3/9/82	Koppers Company Salisbury, MD	FINAL ORDER	*******	122.22;265
3/12/82	Plummer Precision † Pennsburg, PA	PAD002334373	*******	122.22;265
3/12/82	BVER Oil Collection and Distribution Center † New Cumberland, WV	WVT550010884	*******	122.22;265
3/12/82	IT&T-Electro-Optical Products Division Roanoke, VA	FINAL ORDER	*******	122.22;265

REGION III (7)

TE OF PLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
12/82	Rockwell International New Castle, PA	PAD049679061	******* WITHDRAWN	122.22;265
/18/82	Standard Steel Beaver Falls, PA	FINAL ORDER	*******	122.22;265
3/22/82	Kenneth Bryant New Canton, VA	FINAL ORDER	*******	122.22;265
3/22/82	Westinghouse Electric Corporation Pittsburg, PA	FINAL ORDER	*******	122.22;265
3/22/82	Ametek, Inc. Odonton, MD	FINAL ORDER	*******	122.22;265
3/22/82	Bethlehem Apparatus Co. Hellertown, PA	FINAL ORDER	*******	122.22;265
4/1/82	Plummer Precision Pennsburg, PA	FINAL ORDER	*******	122.22;265
4/5/82	Sherwin-Williams Crisfield, MD	FINAL ORDER	*******	122.22;265
4/6/82	US Naval Research Lab † Washington, DC	DCD072639479	*******	122.22;265
4/6/82	Atlantic Aviation Corp.† Wilmington, DE	DED011024838	*******	122.22;265
4/8/82	BVER Oil Collection and Distribution Center New Cumberland, WV	FINAL ORDER	*******	122.22;265
4/8/82	Western Publishing Racine, WI	FINAL ORDER	*******	122.22;265

REGION III (8)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
4/15/82	Emporium Specialties Co. Austin, PA	FINAL ORDER	*******	122.22;265
4/29/82	Tri-State Electric and Machine Company † Glendale, WV	WVD004380721	$5000	122.22;260.10;261.5
4/29/82	U.S. Naval Research Lab Washington, D.C.	FINAL ORDER	*******	122.22;265
4/29/82	Wayne Tool Company Waynesboro, PA	PAD003018207	$700 WITHDRAWN	122.22;265
5/2/82	Atlantic Aviation Corp. Wilmington, DE	FINAL ORDER	*******	122.22;265
5/7/82	Ashland Chemical Co. Freedom, PA	FINAL ORDER	*******	122.22;265
5/26/82	AMO Pollution Services † Canonsburg, PA	PAD000797498	$1200	261;3005(a)
5/26/82	Delta Chemicals, Inc. † Worthington, PA	PAD088915822	$900	261;3005(a)
5/26/82	Rubbercrafters of West Virginia, Inc. † Grantsville, WV	NONE GIVEN	$6000	261.33(f);260.10(a); 3005(a);122.21(c)
6/21/82	Drackett, Inc. † East Stroudsburg, PA	PAD003038544	*******	122.22;265
6/23/82	Chemical Leaman Tank Lines, Inc. † Friendly, WV	WVD093329779	$35,000	265.14,.177

REGION III (9)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
6/25/82	Tri-State Electrical and Machine Company Glendale, WV	FINAL ORDER	$500	122.22;260.10;261.5
6/28/82	Delta Chemicals, Inc. Worthington, PA	FINAL ORDER	$900	261;3005(a)
6/30/82	United Chem-Con Corp. † Lancaster, PA	PAD084882406	*******	TSD
8/3/82	Drackett, Inc. East Stroudsburg, PA	FINAL ORDER	*******	122.22;265
8/11/82	Fisher-Scientific Co. † Indiana, PA	PAD004321527	*******	122.22
8/23/82	AMO Pollution Services, Inc. Canonsburg, PA	FINAL ORDER	$1000	261;3005(a)
9/13/82	United Chem-Con Corp. Lancaster, PA	FINAL ORDER	*******	TSD
9/13/82	Chemical Leaman Tank Lines, Inc. Friendly, WV	FINAL ORDER	$15,500	265.14,.177
9/13/82	Emporia Foundry, Inc. † Emporia, VA	VAT530012129	$1000	122;124;3005
9/17/82	Niro Atomizer, Inc. † , MD	MDD091818930	$800	
9/20/82	Fisher-Scientific Co. Indiana, PA	FINAL ORDER	*******	122.22

REGION III (10)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
9/23/82	Loyalhanna Landfill , PA	PAD000765347	$3000	3007
11/10/82	Emporia Foundry, Inc. Emporia, VA	FINAL ORDER	$700	3005;122;124
11/16/82	Spectron, Inc. Elkton, MD	FINAL ORDER	*******	122.22
11/16/82	Niro Atomizer, Inc. , MD	FINAL ORDER	$300	
11/22/82	Statesman Park Landfill Roanoke, VA	FINAL ORDER	*******	261.32;122.22;124; 264;267
11/22/82	Big John Salvage	FINAL ORDER	$2000	TSD
12/1/82	Wheeling-Pittsburgh Steel , WV	WVD004319539	$20,000	265.113
12/9/82	Everdure, Inc. † , VA	VAD003121142	$1200	3005
12/16/82	O. Ames		$7500	262.12;262.23
12/16/82	Vimasco , WV	WVD005007786	$10,000	265.143,.147
2/15/83	Union Carbide Corp. Friendly, WV	WVD004325353	$10,000	265.90,.94,.112
2/15/83	Rubbercrafters of WV Grantsville, WV	FINAL ORDER	$1500	3005;122.21;260.10

REGION III (11)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
3/2/83	Borg-Warner Chemicals Washington, WV	WVD098911854	$3000	262.12,.20
3/8/83	LCP Chemicals-WV, Inc. Moundsville, WV	WVD000765297	$10,000	265.143,.145
3/15/83	Pittsburgh Tube Company Jane Lew, WV	WVD060692126	$10,000	265.94

ATTACHMENT A

LIST OF AFFECTED FACILITIES FOR WESTINGHOUSE ELECTRIC CORP.

LOCATION / EPA I.D.

1 Tuscarawas Rd.
Beaver, PA
PAD005000500

Armbrust Rd.
Youngwood, PA
PAD005000518

469 Sharpsville Ave
Sharon, PA
PAD005000575

Route 993
Manor, PA
PAD005000591

TWP Road 966 Rte. 22W
Blairsville, PA
PAD005000625

Low Grade at Lemon Lane
Harman Township, PA
PAD005000658

700 Braddock Street
East Pittsburgh, PA
PAD053157186

Routes 30 & 31
Napier Township, PA
PAD057631889

Madison Waltz Mill Site
Madison, PA
PAD074953241

1575 Lebanon School Road
West Mifflin, PA
PAD091551408

Forbes Road
Trafford, PA
PAD990754913

Church Street Extension
Turtle Creek, PA
PAT000619841

Madison Waltz Mill Site
Madison, PA
PAT440011500

7301 Sykesville Road
Sykesville, MD
MDD042183566

1111 Schilling
Hunt Valley, MD
MDD990759631

Fort Meade Road
Linthicum, MD
MDT000619718

Route 2 Highway 11
Abingdon, VA
VAT000619734

REGION IV

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
6/05/81	Cleveland Calandering & Coating Company Cleveland, TN	TN0990680400	$50,000	262.1;264.13(a,b), .15,.16;265.13(a .15(b),.16(d),.7
7/10/81	City Industries, Inc. Orlando, FL	FLD055945653	$1500	3005(e);265.13(a), .17(a),.171,.173 .176;262.11;3002
7/10/81	Resource Conservation & Recovery of Amer.,Inc. (City Induistries) Winterpark, FL	FLT130012099	$1500	265.13(a,b),.15(a- .31,.17(a),.32,. .171,.174
1/11/83	Alcan Ingot and Powders Greensboro, GA	GAD991279555	*******	122.22
1/11/83	CBS Records Carrolton, GA	GAD980515241	*******	122.22
1/11/83	Hill Manufacturing Co, Incorporated Atlanta, GA	GAD003287018	*******	122.22
1/11/83	Murata Corporation Rockmart, GA	GAD082172461	*******	122.22
1/11/83	Yamaha Music Manufacturing Inc. Thomaston, GA	GAD099305909	*******	122.22
1/11/83	Union Timber Corp. Cogdell, GA	GAD094075553	*******	122.22
1/11/83	Dura Bonds Products Conyers, GA	GAD060398856	*******	122.22
1/11/83	Griffith Oil Co. Jefferson, GA	GAD991275934	*******	122.22

******* See endnote on last page

REGION IV (2)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
1/11/83	ITT, Suspensions Systems Division Macon, GA	GAD098584063	*******	122.22
1/11/83	ITT, Thompson Industries Division Valdosta, GA	GAD003301983	*******	122.22
1/11/83	ITT, Thompson Industries Division Valdosta, GA	GAD991276221	*******	122.22
1/11/83	Metal Improvement Co. Smyrna, GA	GAD099300691	*******	122.22
1/11/83	City of Moultrie Moultrie, GA	GAD991275710	*******	122.22
1/11/83	Photo Chemical Systems, Incorporated Roswell, GA	GAD073468266	*******	122.22
1/11/83	Prismo Universal Corp. East Point, GA	GAD088935960	*******	122.22
1/11/83	Vermont Ave. Corp. Toccoa, GA	GAD084362656	*******	122.22
1/11/83	Waynesboro Industries, Incorporated Waynesboro, GA	GAD054223987	*******	122.22
1/11/83	Proto Systems of Atlanta Incorporated Alpharetta, GA	GAD991275835	*******	122.22

******* See endnote on last page

REGION IV (3)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
1/11/83	Southeastern Drum Sales Inc. Rossville, GA	GAD991275223	*******	122.22
1/11/83	So Green Corporation Tifton, GA	GAD991275124	*******	122.22
1/11/83	Ashland Chemical Co. Columbia, GA	GAD059558601	*******	122.22
1/11/83	Ashland Chemical Co. Savannah, GA	GAD041007063	*******	122.22
1/11/83	Augusta Plating Co. Augusta, GA	GAD047591391	*******	122.22
1/11/83	Dittler Brothers, Inc. Atlanta, GA	GAD003288370	*******	122.22
1/11/83	Dycol Chemical, Inc. Dalton, GA	GAD075877738	*******	122.22
1/11/83	Ethicon, Inc. Cornelia, GA	GAD000614347	*******	122.22
1/11/83	Ashland Chemcal Co. Columbus, GA	GAD059558601	*******	122.22
1/11/83	Gulfstream American Corp Savannah, GA	GAD061022216	*******	122.22
1/11/83	Koppers Company Conley, GA	GAD000821934	*******	122.22
1/11/83	Martin Industries Americus, GA	GAD088932579	*******	122.22

******* See endnote on last page

REGION IV (4)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
1/11/83	Rheem Manufacturing Co. Milledgeville, GA	GAD092643527	*******	122.22
1/11/83	Saft America Inc. Valdosta, GA	GAD063152573	*******	122.22
1/11/83	Thermo King Corp. Louisville, GA	GAD004501862	*******	122.22
1/11/83	TRW Inc. Columbus, GA	GAD990877326	*******	122.22
1/11/83	Westinghouse Electric Corporation Athens, GA	GAD003295144	*******	122.22

******* See endnote on last page

REGION V (1)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
1/20/81	Titan Oil Company Indianapolis, IN	IND000646950	*******	3004;265.13(b),.14 .15,.16,.52,.55, .71
2/06/81	Sundstrand Corporation Rockford, IL	ILD005144662	*******	3005;265.13,.14,.1 .37,.52,.53
2/06/81	Detroit Strip Steel Detroit, MI	MID056664361	*******	3004;262.21;265.16 .32,.37,.51-.55
2/06/81	Pierce Manufacturing Co. Appleton, WI	WID006126999	*******	3004;265.15,.16, .52,.53
2/25/81	Uniroyal, Inc. Indianapolis, IN	IND005498880	*******	3005;265.13,.14, .15,.52,.53,.55
3/10/81	Armoloy of Illinois-Division of Surftek Debalk, IL	ILD085224376	*******	3005;265.14,.15,.3 .37,.52,.53
3/18/81	CIBA-GEIGY Corp. Detroit, MI	MID067352989	*******	3005;265.15,.16,.1 .32,.51-.53,.73 .176
3/20/81	Schwinn Bicycle Company Chicago, IL	ILD005129788	*******	265.13(b),.15(b), .51
3/23/81	Techna Corporation Roseville, MN	MND006157820	*******	3004;265.13,.15,.5 .53;262.21
3/23/81	Nelson Industrial Services, Inc. Detroit, MI	MID098011992	$10,000	3004;265.15,.16, .32,.35,.37,.51-.53,.55,.171-.17
3/24/81	General Motors Corp.-Chevrolet Div. Indianapolis, IN	IND078583720	*******	3004;265.14-.16,.3 .51-.54,.73

******* See endnote on last page

REGION V (2)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
4/20/81	Mosinee Paper Company Mosinee, WI	WID053091567	*******	3004;265.16,.51-.5 .176
4/23/81	Ametek, Inc.-Lamb Electric Div. Racine, WI	WID054096656	*******	3005;265.13,.14,.1 .17,.32,.51-.56, .174
5/05/81	Marathon Electric Manufacturing Co. Madison, WI	WID006126213	*******	3004;265.15,.16, .17,.51-.56,.171
9/15/81	Gulf Oil Company, US Cleves, OH	OHD004254132	*******	265.31,.71,.173, .174
10/23/81	KOI Petroleum Co., Inc. Detroit, MI	NONE GIVEN	*******	264.31;122.22,.23
1/15/82	Pioneer Paint Products Melrose Park, IL	ILD005258074	*******	3005;265.15,.16, .52,.53
6/18/82	Safety-Kleen Corp. Hebron, OH	OHT400012340	*******	265;3010(a);122; 124
	Sun Chemical Corporation Northlake, IL	ILD051093367	*******	3005;265.13,.15,.5 .53,.171,.173,.174
9/27/82	Ranco, Inc. Upper Arlington, WV	OHD004288288	$5000	265.90-.94
9/27/82	Ranco, Inc. Plain City, OH	OHD004288270	$5000	265.90-.94
9/29/82	USS Chemical Haverhill Plant Haverhill, OH	OHD005108477	$2500	265.91-.94,.15,.22

******* see endnote on last page

REGION V -3-

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
9/29/82	Inland Metals Ref. Co. Chicago, IL	ILT180011744 FINAL ORDER		122.22
9/29/82	C.T. Corporation System Chicago, IL	ILD049301583 FINAL ORDER		122.22
9/29/82	Century Oil, Inc. Palos Heights, IL	ILD099215303 FINAL ORDER		122.22
9/29/82	Searle Chemicals, Inc. Chicago, IL	ILD068458835 FINAL ORDER		122.22
9/29/82	Liberty Copper & Wire Co Downers Grove, IL	ILD047033188 FINAL ORDER		122.22

REGION VI

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
6/24/81	New Mexico State Univ. Las Cruces, NM	NMD075088252	$27,650	265.177,.173,.14, .31,.35,.51
6/26/81	Halliburton Services Duncan, OK	OKD098460082	$28,800	265.17

REGION VII (1)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
2/02/82	Perfection Mfg. Company St. Louis, MO	MOD041885856	$8000	264.34(a)(3); 265.174,.176
5/11/82	Toastmaster, Inc. Boonville, MO	MOD006272843	*******	262.34;265.15,.37
5/11/82	Pratt & Lambert Inc. - Wichita Division Wichita, KS	KSD056577810	$17,000	265.35,.51,.17,.17
5/21/82	Nixdorff Llyod Metals Maryville, MO	MOD099238784	$6000	265.90,.91,.92
6/29/82	Eagle Picher Fairbury, NE	NED000610550		122.22
7/06/82	Emerson Electric Ava. MO	MOD094391778		
7/20/82	Ashland Chemical Co. St. Louis, MO	MOD031005341		122.22
7/21/82	Koppers Company, Inc. Kansas City, MO	MOD007146517		122.22
7/26/82	Midwest Graphics , MO	WITHDRAWN		
7/28/82	International Paper Joplin, MO			

******* See endnote on last page

REGION VII (2)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
8/3/82	Westinghouse Electric St. Louis, MO	MOD079777157		122.22
8/5/82	R.V. Hopkins , IA			
8/6/82	Derby Refining Witchita, KS	KSD000610543		
8/9/82	Solvents Recovery, Inc. Kansas City, MO			
8/26/82	Sherwin-Williams Coffeyville, KS	KSD007163355		
8/26/82	Cessna Aircraft Co. Witchita, KS	KSD000809673		
8/26/82	Cessna-Fluid Power Div. Winfield, KS	KSD000809673		
9/2/82	River Cement , MO			
9/22/82	Phillips Chemical , NE			122.22
9/24/82	Conservation Chemical Kansas City, MO	MOD000829705		
9/29/82	International Foods , MO			
9/30/82	Radium Petroleum Co. Kansas City, MO	MOD073027609		

REGION VII (3)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
9/30/82	Valley Steel Products Louisiana, MO	MOD006276349		
10/14/82	Amoco Oil , MO			
10/18/82	Grasis , MO			
11/3/82	Midco , MO			
11/4/82	Uniroyal, Inc , MO			
11/23/82	All Brite Galvanizing Kansas City, MO	MOD046737542		
11/24/82	Loxcreen Company, Inc. Hayti, MO	MOD057758922	$20,750	3005;122;124
12/21/82	Armco,Union Wire Rope , MO			
12/21/82	Armco,Midwestern Steel , MO			
1/13/83	Kuhlman Diecasting , KS			
1/25/83	American Cyanamid (Han.) Palmyra, MO	MOD050226075	$10,000	265.90
2/10/83	Conservation Chemical St. Louis, MO	MOD050235597	$2500	265.143

REGION VII (4)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
2/10/83	Syntex Agribusiness Springfield, MO	MOD095038329	$10,000	265.90,.91,.92,.94
3/7/83	Mead Technologies, Inc. Rolla, MO	MOD020347886	$10,000	265.382
3/10/83	Mountain View Fabricating, Inc. Mountain View, MO	MOD096735584	$3250	262.21;3005;265.16, .35,.37,.51
3/16/83	Leggett & Platt, Inc. Aurora, MO		$2000	3010;3005
3/18/83	R & O Processors, Inc. Granby, MO		$3000	3005;122.22
3/18/83	Willis Pyrolyzer Company Jackson, NE		$35,400	3008;3010;122.23; 265.13,.14,.15, .31,.32,.35

REGION VIII

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
1/22/81	Sunstrand Aviation Co. † Denver, CO	COD007057995	$17,200	265.171,.15;261.51
2/02/81	Western Forge † Colorado Springs, CO	COD007092513	$13,150	265.13,.51,.52
2/10/81	Schlage Lock † Security, CO	COD082657420	$4700	262.34
4/16/81	Colorado Chemical Spec.† Golden, CO	COD056566441	$20,000	262.344;265.32
5/01/81	Sunstrand Aviation Co. Denver, CO	FINAL ORDER	$2000	265.171,.15;261.51
5/01/81	Eagle Picher † Colorado Springs, CO	COD048126726	$33,050	265.13,.15,.51,.52
6/03/81	Chemical Waste Management/DACWPF † Aurora, CO	COD000695007	$20,000	265.13
6/11/81	Colorado Organic Chem. † Commerce City, CO	COD088681168	$25,000	122.21,.22;261.33
6/15/81	CF&I Steel † Pueblo, CO	COD000705796	$5500	265.15(c),.222
6/23/81	SK Hart, Inc. † Ogden, UT	UTT500010269	*******	3005;122;124;261.3
7/02/81	SK Hart, Inc. Ogden, UT	FINAL ORDER	*******	3005;122;124;261.3

******* See endnote on last page

REGION VIII (2)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
7/10/81	Western Forge Colorado Springs, CO	FINAL ORDER	$1000	265.13,.51,.52
7/27/81	Colorado Chemical Spec. Golden, CO	FINAL ORDER	$500	262.34;265.32
9/03/81	Schlage Lock Security, CO	FINAL ORDER	$500	262.34
9/03/81	CF&I Steel Pueblo, CO	FINAL ORDER		265.15(c),.222
10/26/81	Jim's Water Service † Gillette, WY	WYD990829673	$12,000	122.21,.23;265;300
11/03/81	Eagle-Picher Colorado Springs, CO	FINAL ORDER	$1500	265.13,.15,.51,.52
12/18/81	Remelt Metals † Englewood, CO	COD040708455	$9000	260;3010;3005;264.
2/03/82	Jim's Water Service Gillette, WY	FINAL ORDER	$5400	122.21,.23;265;300
2/26/82	Great Western Inorganics † Golden, CO	COD007060577	*******	3005
3/03/82	Chemical Waste Mgt. Aurora, CO	FINAL ORDER From 6/3/81		265.13
5/21/82	Chemical Waste Management/DACWPF † Aurora, CO	COD000695007	*******	265.31,.302
5/21/82	Western Zirconium † Ogden, UT	UTD0929024934	*******	122.22;124

REGION VIII (3)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
6/12/82	Chemical Waste Mgt. Aurora, CO	FINAL ORDER From 5/21/82	*******	265.31..302
7/19/82	Western Zirconium Ogden, UT	FINAL ORDER	*******	122.22;124
7/21/82	AERRCO † Jefferson County, CO	COD000818146	$25,000	265.170,.174,.14, .190,.199,.143; 3004;3005
8/06/82	Shell Chemical Co. † Commerce City, CO	COD001725043	*******	265.112
8/16/82	Colorado Organic Chem. Commerce City, CO	FINAL ORDER		122.21,.22;261.33
9/28/82	Concord Minerals † Idaho Springs, CO	Non-Notifier	$15,000	3010;3005;263;264; 265
10/01/82	Colorado Refractories † Canon City, CO	COD045409265	*******	122.22
10/15/82	Shell Chemical Company Commerce City, CO	FINAL ORDER	*******	265.112
10/19/82	Great Western Inorganics Golden, CO	FINAL ORDER	*******	3005
11/03/82	Sioux Falls Stockyards † Sioux Falls, SD	SDD062248489	$20,000	262.12(c),.20(a)
11/08/82	Remelt Metals Englewood, CO	FINAL ORDER		260;3010;3005;264.14
12/03/82	Ellsworth AFB Ellsworth AFB, SD	SD2571924644	*******	262.42

REGION VIII (4)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
12/06/82	Aerrco Jefferson County, CO	FINAL ORDER		265.170,.174,.14, .190,.199,.143; 3004;3005
12/13/82	Colorado Refractories Canon City, CO	FINAL ORDER	*******	122.22
12/22/82	Beech Aircraft Boulder, CO	COD007069646	$51,000	3005;265.112(a)
1/11/83	Automated Optics Englewood, CO	Non-Notifier	$74,250	3010;3005(a);265.1 .14,.171,.173(a) .174

REGION IX (1)

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
7/30/81	New Port Hydraulics Santa Ana, CA	CAT000624981	$1200	3010
10/01/81	Hughes Aircraft Co. Tuscon, AZ	AZD009005422	*******	3007
1/26/82	Big Al's Super Service Hayward, CA		$500	3010-TRANSPORTER
2/24/82	Capri Pumping Service Los Angeles, CA	CAD000042879	$46,000	265.13,.14,.15,.31, .35,.52,.53,.54, .74,.171,.173,.192
1/30/81	McMillin Wire & Plating Inc. Los Angeles, CA	CAD044049724	$500 - Dismissed	261.31;3008
1/30/81	Atlas Transport Company Chatsworth, CA		$400 - Dismissed	3001;261.33;122.22
1/30/81	CE VETCO Group Ventura, CA	CAT000618611	$300 - Dismissed	3001;261.33
1/30/81	Benmatt Industries Inc. Costa Mesa, CA	CAD067753053	$500 - Dismissed	261.24;3001
1/30/81	R&E Plating Co. Los Angeles, CA		$400	261.31
1/30/81	Crocker Plating Works Los Angeles, CA		$500	261.31
1/30/81	Olympic Plating and Polishing Inc. Los Angeles, CA		$500	261.31

REGION IX (2)

DATE OF MPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
1/30/81	Hine's Wholesale Nurseries, Inc. Santa Ana, CA		$500	261.33
1/30/81	Jake's Industrial Serv. Glendale, AZ		$500	261.33
1/30/81	Bersett Sewer Service Phoenix, AZ		$500	261.22
1/30/81	The Plate Shop Santa Fe Springs, AZ		$400	261.24
1/30/81	Fred's Pumping Service Phoenix, AZ		$300	261.22
12/27/82	Guam Oil & Refining Co. Agara, GU		$53,400	265.13,.14,.51,.90(a)(b),.143,.145,.147 .272,.273(a)(b).278
1/20/83	Bud's Oil Phoenix, AZ	AZD049318009	$2700	265.143
2/8/83	Bean & Co./Palo Verde,AZ Drew Rental/Buckeye, AZ	AZD049318009	$11,900	265.143,.145,.147
2/15/83	Unidynamics, Inc. Phoenix, AZ		$9200	265.143,.147
3/7/83	Southwest Solvents Chandler, AZ	AZD009015389	$10,200	265.13,.14,.15,.51,.73,.143,.151,.173
3/7/83	Union Manufacturing Chandler, AZ		$17,500	3004;265.14,.31,.51,.90,.143,.145,.147,.171,.173

REGION X

DATE OF COMPLAINT	CASE / LOCATION	EPA I.D. #	PENALTY	VIOLATIONS
6/04/82	Western Processing Co. Kent, WA	WAD009487513	$210,000	122.23;265.12-.16, .31,.32,.35,.37, .73,.90,.94,.142, .171,.173,.177, .222,.226,.251,. .253

ENDNOTES

******* PENALTY REMAINS CONDITIONAL, DEPENDING ON INDIVIDUAL COMPLIANCE WITH THE ORDERS.

† SEE LATER DATE FOR FINAL ORDER

TOTALS

FY '81.............	Penalties	=	$826,600
	# of Cases	=	105
	# of Violations	=	296
FY '82.............	Penalties	=	$1,327,075
	# of Cases	=	169
	# of Violations	=	519
FY '83 (to date)...	Penalties	=	$586,200
	# of Cases	=	75
	# of Violations	=	246

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4. Miscellaneous Disposal (1/20/81 - 3/15/83)
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7. Pending Cases - Unfiled (3/15/83)
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9. EPA Statistics (All Media) (2/23/83)

Corrected 3/21/83

1/20/81 to 3/15/83

	Pending as of 1/20/81		Referrals	Disposition During Period					Pending as of 3/15/83	
						Settled				
	Filed	Unfiled		Filed	Otherwise	All	Part	Total	Filed	Unfiled
CERCLA NEW 106	—	—	5	3	—	1	—	1	2	2
CERCLA NEW 107	—	—	20	4	2	—	—	—	4	14
CERCLA NEW Both	—	—	3	1	—	—	—	—	1	2
Subtotals	—	—							7	18
	—		28	8	2	1	—	1	25	
CERCLA AMEND 106	—	—	8	6	—	2	—	2	4	2
CERCLA AMEND 107	—	—	1	—	—	—	—	—	—	1
CERCLA AMEND Both	—	—	17	17	—	—	5	5	17	—
Totals	—	—							21	3
	—		26	23	—	2	5	7	24	
ALL CERCLA	—	—							28	21
	—		54	31	2	3	5	8	49	
RCRA	51	8							24	3
	59		11	12	4W 2D 23C	14	4	18	27	
ALL WASTE	51	8							52	24
	59		65	43	31	17	9	26	76	
	Filed	Unfiled	Referrals	Filed	Otherwise	All	Part	Total	Filed	Unfiled
						Settled				
	Pending as of 1/20/81			Disposition During Period					Pending as of 3/15/83	

FISCAL YEAR 1981 (PART)

		Pending as of 1/20/81		Referrals	Disposition During Period					Pending as of 9/30/81	
							Settled				
		Filed	Unfiled		Filed	Otherwise	All	Part	Total	Filed	Unfiled
CERCLA NEW	106	—	—	—	—	—	—	—	—	—	—
	107	—	—	—	—	—	—	—	—	—	—
	Both	—	—	—	—	—	—	—	—	—	—
Subtotals		—	—	—	—	—	—	—	—	—	—
		—								—	
CERCLA AMEND	106	—	—	2	1	—	—	—	—	1	1
	107	—	—	—	—	—	—	—	—	—	—
	Both	—	—	2	2	—	—	—	—	2	0
Totals		—	—	4	3	—	—	—	—	3	1
		—								4	
ALL CERCLA		—	—	4	3	—	—	—	—	3	1
		—								4	
RCRA		51	8	4	7	3 W 1 Dis 3 Conv	2	1	3	52	2
		59								542	
ALL WASTE		51	8	8	10	7	2	1	3	55	3
		59								58	
		Filed	Unfiled	Referrals	Filed	Otherwise	All	Part	Total	Filed	Unfiled
							Settled				
		Pending as of 1/ 20/81		—	Disposition During Period					Pending as of 9/30/81	

FISCAL YEAR 1982

		Pending as of 10/1/81		Referrals	Disposition During Period					Pending as of 9/30/82	
							Settled				
		Filed	Unfiled		Filed	Otherwise	All	Part	Total	Filed	Unfiled
CERCLA NEW	106	—	—	5	1	—	—	—	—	1	4
	107	—	—	13	2	—	—	—	—	2	11
	Both	—	—	2	—	—	—	—	—	0	2
Subtotals		—	—							3	17
		—		20	3	—	—	—	—	20	
CERCLA AMEND	106	1	1	6	5	—	2	—	2	4	2
	107	—	—	—	—	—	—	—	—	—	—
	Both	2	0	15	7	—	—	3	3	9	8
Totals		3	1							13	10
		4		21	12	—	2	3	5	23	
ALL CERCLA		3	1							16	27
		4		41	15	—	2	3	5	43	
RCRA		52	2							33	6
		54		7	3	12Con	10	3	13	39	
ALL WASTE		55	3							49	33
		58		48	18	12	12	6	18	82	
		Filed	Unfiled	Referrals	Filed	Otherwise	All	Part	Total	Filed	Unfiled
							Settled				
		Pending as of 10/ 1 /81			Disposition During Period					Pending as of 9/30/82	

FISCAL YEAR 83 (PART)

	Pending as of 10/1/82		Referrals	Disposition During Period					Pending as of 3/15/83	
						Settled				
	Filed	Unfiled		Filed	Otherwise	All	Part	Total	Filed	Unfiled
CERCLA NEW 106	1	4	—	2	—	1	—	1	2	2
CERCLA NEW 107	2	11	7	2	2	—	—	—	4	14
CERCLA NEW Both	—	2	1	1	—	—	—	—	1	2
Subtotals	3	17							7	18
	20		8	5	2	1	—	1	25	
CERCLA AMEND 106	4	2	—	—	—	—	—	—	4	2
CERCLA AMEND 107	—	—	1	—	—	—	—	—	—	1
CERCLA AMEND Both	9	8	—	8	—	—	2	2	17	—
Totals	13	10							21	3
	23		1	8	—	—	2	2	24	
ALL CERCLA	16	27							28	21
	43		9	13	2	1	2	3	49	
RCRA	33	6							24	3
	39		—	2	1Dis 1W 8 Conv	2	—	2	27	
ALL WASTE	49	33							52	24
	82		9	15	12	3	2	5	76	
	Filed	Unfiled	Referrals	Filed	Otherwise	All	Part	Total	Filed	Unfiled
						Settled				
	Pending as of 10/1 /82			Disposition During Period					Pending as of 3/15/83	

TABLE 2

Referrals

(1/20/81 to 3/15/83)

A. New CERCLA 106

1981 - 0
1982 - Holder
Velsicol
Westinghouse
Homestake
Sikes
1983 - 0

B. New CERCLA 107

1981 - 0
1982 - Triangle Chemical
Crystal Chemical
Drake Chemical
Union Gas
Liquid Disposal
COCC (Ft. Lawn)
Summit National
Mottolo
Berncolors
Carolawn
General Disposal
AH-RS Coal
CSMI (Dreyfus)
1983 - Harvey & Knotts
American Surplus
Ward, Robert
Argent
Syncon Resins
Thiokol
N.E. Disposal

C. New CERCLA 106 & 107

1981 - 0
1982 - Stringfellow
Mountain View Mobile Homes
1983 - Pacific Hyde & Fur

D. Add CERCLA 106

1981 - Vertac
Duracell
1982 - Waste Industries
Chemcentral- Detroit
Johns Manville
Aidex
Olin
OMC
1983 - 0

E. Add CERCLA 107

1981 - 0
1982 - 0
1983 - Midwest Solvent Recovery

F. Add CERCLA 106 & 107

1981 - Reilly Tar
Charles Price
1982 - Wade
Solvents Recovery Serv. of N.E.
Chem-Dyne
Hooker (Love Canal)
Hooker (S Area)
Seymour Recycling
Ottati and Goss
South Carolina Recycling and Disposal
Petro Processors
N.E. Pharmaceutical
A&F Materials
Hardage, Royal
New Castle County
County of Hillsborough
Conservation Chemical
1983 - None

G. RCRA

1981 - K.C. Coating
Monochem
Lehigh Electric
Aidex
1982 - Environmental Waste Removal
Gold Coast Oil
Western Processing Co.
General Electric
Hughes Aircraft
Solvents Recovery (Vacuum tank)
NEOSHA

TABLE 3

Filings

(1/20/81 to 3/15/83)

A. New CERCLA 106

1981 - 0
1982 - Holder
1983 - Velsicol
Westinghouse

B. New CERCLA 107

1981 - 0
1982 - Triangle Chemical
Crystal Chemical
1983 - Liquid Disposal
Ward, Robert

C. New CERCLA 106 & 107

1981 - 0
1982 - 0
1983 - Pacific Hyde & Fur

D. Add CERCLA 106

1981 - Vertac
1982 - Duracell
Chemcentral - Detroit
Johns Manville
OMC
Olin
1983 - 0

E. Add CERCLA 107

0

F. Add CERCLA 106 & 107

1981 - Reilly Tar
Charles Price
1982 - Wade
Chem-Dyne
South Carolina Recycling and Disposal
N.E. Pharmaceutical
Hardage, Royal
New Castle County
County of Hillsborough

1983 - Solvents Recovery Serv. of N.E.
Hooker (S Area)
Seymour Recycling
Conservation Chemical
Ottati & Goss
Petro Processors
Hooker (Love Canal)
A & F Materials

G. RCRA

1981 - Energy Systems
K.C. Coating
Monochem
Lehigh Electric
Johns Manville
Aidex
Velsicol
1982 - Lancaster Metals
Environmental Waste Removal
NEOSHA
1983 - Gold Coast Oil
Western Processing

TABLE 4

Miscellaneous Disposal

(1/20/81 to 3/15/83)

A. Withdrawn by EPA

Cast Forge (RCRA) - 1981
Pristine (RCRA) - 1981
S.G. Metals (RCRA) - 1981
Nease (RCRA) - 1983

B. Dismissed

Burns (Pa.) (RCRA) - 4/30/81 [CWA continues]
KOR (3/83)

C. Declined by DOJ as Premature

A.H. - R.S. Coal (107) 1983
Harvey & Knotts (107) 1983

D. Converted to CERCLA

- 23 RCRA cases converted by filing of amended complaints (see Table 3, parts D and F)

Table No. 5

SETTLEMENTS
(1/20/81 - 3/15/83)

	Case Name	Date	Amount
1.	Energy Systems (all)(R)*	1/28/81	$5,000,000
2.	Occidental Chemical (all)(R)	2/6/81	$2,800,000
3.	Gulf Coast Lead (p)(R)	4/20/81	$752,000
4.	Lancaster Metals (p)(R)	11/19/81	$40,000
5.	Petro Processors (p)(R)	12/21/81	$218,000
6.	K.C. Coatings (all)(R)	12/17/81	$32,000 (complete)
7.	Laskin (all)(R)	1/21/82	0 (complete)
8.	Vertac (all)(A106)	1/82	$300,000 (complete)
9.	Ken Industries (all)(R)	2/2/82	$37,000 (complete)
10.	Duracell (all)(A106)	3/10/82	$500,000 (complete)
11.	Dusek (all)(R)	3/18/82	$100,000
12.	ABM-Wade (p)(AB)	3/19/82	$1,700,000
13.	SCRDI (p)(AB)	3/23/82	$1,530,000
14.	Spectron (all)(R)	3/25/82	$500,000
15.	Ciszar (all)(R)	3/26/82	$5,000 (complete)
16.	Hooker (Hyde Park) (all)(R)	4/30/82	$50,000,000
17.	Bridgeport (all)(R)	6/29/82	$25,000
18.	Fisher Calo (p)(R)	7/29/82	$15,000 (estimation
19.	Li Pari (all)(R)	8/10/82	$0 (complete)
20.	Chem-Dyne (p)(AB)	8/26/82	$2,208,150
21.	Fike Chemical (all)(R)	9/1/82	$250,000
22.	2001 (all)(R)	12/14/82	$75,000 (complete)
23.	Seymour (p)(AB)	12/21/82	$7,700,000
24.	Velsicol (all)(N106)	12/27/82	$38,500,000
25.	Solvents Recovery (p)(AB)	2/23/83	$1,000,000
26.	West (all)(R)	3/2/83	$0
27.	Olin	not yet entered	$10,375,000
	Total		$123,662,150

* This is a stipulation for emergency work to maintain status quo, not a true settlement

TABLE 6

Pending Cases - Filed

3/15/83

A. New CERCLA 106

Holder (7/2/82)
Westinghouse (1/4/83)

B. New CERCLA 107

Triangle Chemical	(9/21/82)	Bankruptcy Claim
Crystal Chemical	(9/15/82)	Bankruptcy Claim
Liquid Disposal	(1/13/83)	Bankruptcy Claim
Ward, Robert	(1/19/83	

C. New CERCLA 106 & 107

Pacific Hyde & Fur (1983)

D. Added CERCLA 106

Chemcentral - Detroit	(1982)
Johns Manville	(6/30/82)
OMC	(1/20/82)
Olin	(3/1/82)

E. Added CERCLA 107

0

F. Added CERCLA 106 & 107

Reilly Tar (8/18/81)
Charles Price (9/22/81)
Wade (10/26/81 & 10/7/82) partial settlement
Chem-Dyne (8/26/82) partial settlement
South Carolina Recycling (7/9/82)
N.E. Pharmaceutical (1982)
Hardage (5/27/82)
New Castle County (6/82)
County of Hillsborough (6/15/82)
Solvents Recovery (10/5/82) partial settlement
Hooker (S Area) (1983)
Seymour Recycling partial settlement (10/26/82)
Conservation Chemical (10/22/82)
Ottati & Goss (1983)
Petro Processors (1983)
Hooker (Love Canal) (1983)
A&F Materials (1983)

G. RCRA Only

Kin-Buc (2/7/79) preliminary settlement
Chem. & Minerals Recl. (7/11/79)
Midwest Solvent Recovery (11/16/79)
Hooker (102 St.) (12/20/79)
Waste Industries (1/11/80) on appeal
Metal Bank (4/23/80)
Fisher Calo (7/3/80) partial settlement
Lloyd Hodges (8/25/80)
Steve Martell (10/3/80)
Stanley Kessler Co. (9/2/80)
A & F Materials (9/12/80)
BASF Wyandott (9/30/80)
Chemical Recovery (10/7/80)
Diamond Shamrock (10/7/80)
Fisher and Porter (10/8/80)
Gulf Coast Lead (10/9/80) partial settlement
Monochem (3/27/81)
Lehigh Electric (4/6/81)
Aidex (6/22/81)
Lancaster Metals (11/19/81) partial settlement
Environmental Waste Removal (6/14/82)
Gold Coast Oil (1/18/83)
Western Processing Co. (1983)
NEOSHA (State action) (1982)

TABLE 7

Pending Cases - Unfiled

3/15/83

A. New CERCLA 106

Sikes (9/30/82)
Homestake (7/14/82)

B. New CERCLA 107

Drake Chemical (6/16/82)
Union Gas (5/25/82)
COCC (Ft. Lawn) (9/30/82)
Summit National (9/30/82)
Mottolo (9/30/82)
Berncolors (9/30/82)
Carolawn (9/30/82)
General Disposal (9/30/82)
CSMI (Dreyfus) (9/9/82)
American Surplus (10/6/82)
Argent (10/6/82)
Syncon Resins (11/30/82)
Thiokol (1/83)
N.E. Disposal (11/3/83)

C. New CERCLA 106 & 107

Stringfellow (9/30/82)
Mountain View Mobile Home (9/30/82)

D. Add CERCLA 106

Waste Industries (8/31/82) on appeal
Aidex (3/22/82)

E. Add CERCLA 107

Midwest Solvent Recovery (10/6/82)

F. Add CERCLA 106 and 107

0

G. RCRA

General Electric (5/17/82)
Hughes Aircraft (3/22/82)
Solvents Recovery (vacuum tank) (11/20/81)

TABLE 8

Unreferred Hazardous Waste Case with Significant DOJ Involvement

American Creosote
Bubbling
Ellisville
Isanti
Keefe
Shenondoah Stables
Timberling
Times Beach
Choride Metals
City of Philadelphia

Table No. 9

EPA STATISTICS
All Media

(2/23/83)

	Filed	Unfiled	Total
DOJ-HAZ	52	24	76
EPA-HAZ	50	34	84
EPA-AIR	45	43	88
EPA-WAT	51	66	117
EPA-PES	--	2	2
EPA-MOB	7	3	10
EPA Totals	153	148	301

CASES FILED IN CALENDAR YEARS 1979 AND 1980 UNDER SECTION 7003 AND OTHER AUTHORITY

Section 7003	Resource Conservation and Recovery Act
3008	Resource Conservation and Recovery Act
Section 13	Rivers and Harbor Act of 1899
Section 504	Clean Water Act
301	Clean Water Act
309	Clean Water Act
404	Clean Water Act
Section 17	Toxic Substances Control Act
15	Toxic Substances Control Act
Section 1431	Safe Drinking Water Act
Section 303	Clean Air Act

FILED CASES (CALENDAR YEAR 1979)

(Under Section 7003)

NAME	DATE FILED
1) Kin Buc Landfill	2/07/79
2) Wade Landfill	4/20/79
3) Laskin Greenhouse and Waste Oil Co.	4/24/79
4) Chemicals and Minerals Reclamation, Inc.	7/10/79
5) Midwest Solvent Recovery, Inc.	11/16/79
6) Solvents Recovery, Inc. and Lori Engineering	12/17/79
7) Hooker (Lathrop, California)	12/18/79
8) Chem-Dyne Corporation	12/19/79
9) Hooker Love Canal	12/20/79
10) Hooker 102nd Street	12/20/79
11) Hooker "S" Area	12/20/79
12) Hooker Hyde Park	12/20/79

FILED CASES (CALENDAR YEAR 1980)

(Under Sections 7003, 3008)

1) Waste Industries	1/11/80
2) Vertac Chemical Corp. and Hercules, Inc.	3/04/80
3) 2001 Inc., Southeastern Chemical Co., Inc., and Two Individuals	3/05/80
4) Li Pari Landfill	3/21/80
5) Robert Richter	3/21/80
6) W.R. Grace & Co.	4/17/80
7) Franklin J. Dusek, Helena Chemical Co., Tex-Ag., Inc.	5/05/80
8) Seymour Recycling Corporation et. al.	5/09/80
9) Ottati and Goss, Inc., et. al.	5/15/80

10) Waynesboro et. al.	5/30/80
11) Spectron, Inc.; Paul J. Mraz	6/17/80
12) Acme Refining Company, et. al.	6/20/80
13) American Ecological Recycle Research Corporation; Donald K. Gums	6/24/80
14) CISZAR et. al.	6/30/80
15) Fisher-Calo Chemicals and Solvents Corporation, et. al.	7/03/80
16) South Carolina Recycling and Disposal, Inc., et. al.	7/07/80
17) Petro Processors of Louisiana, Inc., et. al.	7/15/80
18) Ken Industries, Inc., et. al.	8/01/80
19) Lloyd L. Hodges et. al.	8/25/80
20) Steve Martell; Irvin Clark, et. al.	8/26/80
21) Stanley Kessler Company, Inc., et. al.	9/02/80
22) A & F Materials Company, Inc., et. al.	9/03/80
23) Reilly Tar and Chemical Corporation, et. al.	9/04/80
24) Royal N. Hardage	9/08/80
25) KOR Corporation and David Suhm	9/12/80
26) Conservation Chemical Company, et. al.	9/29/80
27) BASF Wyandotte Corporation and Federal Marine Terminals, Inc.	9/30/80
28) Bridgeport Rental and Oil Services, Inc., et. al.	10/02/80
29) Chemcentral - Detroit Corporation	10/03/80
30) Robert J. Burns; Daniel Dracup; Robert E. Ward, Jr.; et. al.	10/03/80
31) Chemical Recovery Systems, Inc.	10/07/80
32) Diamond Shamrock Corporation	10/07/80
33) Fischer and Porter Company, Inc.	10/08/80
34) New Castle County; William C. Ward et. al.	10/08/80

35) County of Hillsborough (Taylor Road Landfill)	10/09/80
36) Gulf Coast Lead Company	10/09/80
37) Fike Chemicals, Inc.; C.S.T., Inc.; and Coastal Tank Lines, Inc.	12/05/80
38) Charles Price et. al.	12/22/80
39) Ronald S. West et. al.	12/31/80
40) North Eastern Pharmaceutical and Chemical Co., Inc., Sytex Agribusiness, Inc., et. al.	8/01/80
41) Automated Industrial Disposal and Salvage Co., Inc.; Tipton Investment Service Co.	8/01/80
42) The County of Waukesha et. al.	12/01/80

SUMMARY BY CALENDAR YEAR:

1979 = 12 cases
1980 = 42 cases

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

OFFICE OF ENFORCEMENT

HAZARDOUS WASTE ENFORCEMENT TASK FORCE

Cases Filed as Part of EPA's Hazardous Waste Enforcement Effort (1979-1980)

1. Kin Buc Landfill, Scotch Plains, NJ., filed 2/7/79. (13, 504, 301/309, 7003)
   Hazardous waste landfill. Improper disposal of liquid and solid hazardous waste over nearly a decade resulted in contaminated groundwater and surface water.
2. Wade Landfill, Chester, PA., Filed 4/20/79. (7003)
   Hazardous waste storage and disposal facility with deteriorating, mislabeled hazardous waste. History of fire - and continuing fire hazard as well as threatened contamination to ground and surface water.
3. Laskin Greenhouse and Waste Oil Co., Jefferson, OH., filed 4/24/79. (504, 17, 7003)
   Owner/operator spread oil contaminated with PCB's onto county roads (Astabula County); burned similar oil in his boile thereby contaminating the air; also allowed PCB contaminated water to enter a nearby creek.
4. Chemicals and Minerals Reclamation, Inc., Cleveland, OH., filed 7/10/79 (7003)
   Improper storage of approximately 6,000 55-gallon drums containing hazardous waste crowded into an abandoned warehouse. Imminent threat of fire and/or explosion. Site located in downtown Cleveland.

5. Midwest Solvent Recovery, Inc., (Mid Co), Gary, Indiana, filed 11/16/79. (7003)

   Improper storage of approximately 14,000 55-gallon drums and bulk storage in various stages of deterioration. Site has experienced at least one fire. Imminent threat of repeat fire and/or explosion.

6. Solvents Recovery, Inc., and Lord Engineering - Southington, Conn., filed 12/17/79. (7003, 301)

   Improper disposal of industrial solvents and waste chemicals on the ground and in lagoons resulted in contamination of groundwater used as a public drinking water source.

7. Hooker, Lathrop Calif., filed 12/18/79. (1431, 7003)

   Waste from production of agricultural products and pesticides disposed of on site resulted in contamination of groundwater used as a public drinking water source.

8. Chem-Dyne Corporation, Hamilton, Ohio, filed 12/19/79. (Sec. 7003)

   Improper storage and disposal of hazardous waste in drums and tanks has resulted in past fires and continued threat of explosion and fire, as well as contamination of groundwater and surface water.

9. Hooker Love Canal, Niagara Falls, NY, filed 12/20/79. (Secs. 7003, 504, 1431 (SDWA), 13, 309)

10. Hooker 102nd Street, Niagara Falls, NY, filed 12/20/79. (7003, 504, 13, 309, 404)

11. Hooker "S" Area, Niagara Falls, NY, filed 12/20/79. (1431, 7003, 504, 13)

12. Hooker Hyde Park, Niagara Falls, NY, filed 12/20/79. (7003, 504, 13, 309)

(See Press Release for details).

13. Waste Industries Inc., Flemington, NC, filed 1/11/80. (Sec. 7003)

Improper disposal of liquid and solid hazardous waste into a landfill has resulted in toxic chemicals leaching into nearby private residential wells.

14. Vertac Chemical Corporation and Hercules, Inc., Jacksonville, AK, filed 3/4/80. (Secs. 7003 RCRA, 301 CWA, 504 CWA, 13 Refuse)

Improper disposal of hazardous wastes at various locations on-site has resulted in contamination of surface waters, surrounding soil, and municipal sewage system with various hazardous substances including 2,3,7,8-TCDD (dioxin).

15. 2001 Inc., Southeastern Chemical Company, Inc., and Two Individuals, Reserve, LA, filed 3/5/80. (Sec. 7003 RCRA, 303 CAA, 504 CWA)

Storage of incompatible and hazardous substances in leaking or deteriorating containers threatening the release of poisonous gases, explosion, fire, and long term air, water and soil contamination.

16. Li Pari Landfill, Mantua and Harrison Townships, NJ, filed 3/21/80. (Sec. 7003)

Owner operator accepted liquid, solid, semi-solid chemical wastes, and other materials at the landfill. Operations allegedly contaminated adjoining streams, a nearby lake, and soil, and emitted noxious odors which have affected the health of area residents.

17. Robert Richter, Malvern, Iowa, filed 3/21/80. ( )

Storage of drums of solid and hazardous chemical waste in an old warehouse presents an imminent and substantial endangerment of fire, explosion, and consequent generation of toxic gases.

18. W.R. Grace & Co., Acton, MA., filed 4/17/80 (Sec. 7003)

Waste migration and seepage from lagoons and a landfill on the Grace property has resulted in contamination of soil, and of a major aquifer that supplied 40% of the drinking water of the town of Acton.

19. Union Corporation, Metal Bank of America, Philadelphia, PA., filed 4/23/80 (Sec. 311)

PCB contaminated oil has leached from an underground storage tank, contaminating soil, underlying groundwater, and the Delaware River --- threatening the water supply of Philadelphia's Torresdale Drinking Water Plant.

20. Franklin J. Dusek; Helena Chemical Co., Tex-Ag., Inc., Mission, TX, filed 5/5/80. (7003, 303)

Pesticides and related chemicals from an inactive pesticide production facility have contaminated soil, and are being transported by the wind into the surrounding residential neighborhood, threatening the health of area residents.

21. Seymour Recycling Corporation et. al., Seymour, IN., filed 5/9/80 (7003, 311)

Leachate from 40,000-60,000 barrels of solid and hazardous wastes has contaminated a navigable waterway of the United States and polluted soil and shallow groundwater.

22. Ottati and Goss, Inc. et. al., Kingston, N.H., filed 5/15/80 (7003, 301)

A fire hazard and contamination of soil, surface water and groundwater, has resulted from the Defendants' activities at a waste storage and disposal site, and a drum reconditioning facility.

23. Waynesboro et. al., Waynesboro, TN, filed 5/30/80 (7003, 309(b))

Disposal of wastes containing Polychlorinated Biphenyls and Trichloroethylene at an old dump, has resulted in contamination of a U.S. waterway and threatens contamination of groundwater.

24. Spectron, Inc.; Paul J. Mraz, Providence, MD, filed 6/17/80 (7003)

Operations at an industrial solvent recycling facility engaged in storing and processing spent organic solvents for reuse by industry, have resulted in contamination of soil, surface water and groundwater.

25. Acme Refining Company, et al., Chicago, IL, filed 6/20/80 (7003)

Wastes leaking from barrels stored on a lot in south Chicago have contaminated soil and entered the sanitary sewer system. The site poses a threat of fire resulting from proximity to a liquid oxygen storage tank.

26. American Ecological Recycle Research Corporation; Donald K. Gums, Jefferson County, CO, filed 6/24/80 (7003)

Reclamation of waste solvents and oil and their related storage activities has resulted in one fire and threatens future fires, explosions, and emissions of toxic fumes.

27. CISZAR et al, Calumet Park, Il., filed 6/30/80 (7003)

Storage of 900 drums containing mostly paints and paint sludges poses a threat of fire and explosion, and has contaminated underlying soil.

28. Fisher-Calo Chemicals and Solvents Corporation, et al., LaPorte County, IN, filed 7/3/80 (7003)

Wastes from a storage, disposal, and reclamation facility deposited in unlined lagoons, drum burial sites, and above ground areas, has resulted in groundwater and soil contamination.

29. South Carolina Recycling and Disposal, Inc., et al., Columbia, SC, filed 7/7/80 (7003)

Storage, treatment, transport and disposal of solid and hazardous wastes has contaminated soil, caused fires and explosions, and poses a threat of additional fires and explosions and of groundwater contamination.

30. Petro Processors of Louisiana, Inc., et al., East Baton Rouge, LA, filed 7/15/80 (7003, 504, 301, 13)

Improper storage and disposal of wastes by owner/operator and eleven named generators has resulted in surface water and soil contamination, and threatens contamination of drinking water and the food chain.

31. North Eastern Pharmaceutical and Chemical Co., Inc., Syntex Agribusiness, Inc., et al., Aurora, MO, filed 8/1/80 (C.D.)

Dioxin; 2, 4, 5 Trichlorophenol; and 1, 2, 4, 5 Tetrachlorobenzene wastes from a Hexachlorophene manufacturing operation, threaten contamination of soil, groundwater, and surfacewater. Defendants have entered into a Consent Decree with the United States to abate the hazard.

32. Automated Industrial Disposal and Salvage Co., Inc.; Tipton Investment Service Co., Bristol, TN, filed 8/1/80 (C.D.) 7003

Storage and salvage of industrial hazardous wastes at a 5 acre site have contaminated a nearby creek, soil, and possibly local groundwater. Defendants entered into a Consent Decree with the United States to abate the hazard.

33. Ken Industries, Inc., et al., Hammond, IN, filed 8/1/80 (7003)

Operations at a scrap metal facility have caused one major fire, threaten future fires, and continue to release toxic chemicals into the environment.

34. Lloyd L. Hodges et al., East Chicago, IN, filed 8/25/80 (7003)

Improper storage of asbestos from the dismantling of an oil refinery poses a threat to the project workers and to the neighboring populace.

35. Steve Martell; Irvin Clark, et al., (9th Avenue Site), Gary, IN, filed 8/26/80 (7003)

Waste disposal operations at this 20 acre site have created a fire hazard, and present an imminent and substantial endangerment to health and the environment because of exposure of the public to toxic chemicals.

36. Stanley Kessler Company, Inc., et al., King of Prussia, PA, filed 9/2/80 (7003, 1431)

Organic solvents used in the production of welding rod wire, have contaminated an aquifer and threaten a reservoir which supplies drinking water for approximately 800,000 people.

37. A & F Materials Company, Inc., et al., Richland and Cumberland Counties, IL, filed 9/3/80 (7003, 311(e), 311)

Discharges of oil and other pollutants at two waste disposal sites owned by A & F Materials Company, Inc., have contaminated soil and surfacewaters, and possibly groundwater.

38. Reilly Tar and Chemical Corporation, et al., St. Louis Park, MN, filed 9/4/80 (7003)

Operations at a coal tar refining facility have contaminated soil and groundwater, polluting an aquifer system that supplies drinking water to the Minneapolis - St. Paul Metropolitan area.

39. Royal N. Hardage, McClain County, OK, filed 9/8/80 (7003)

Waste disposal operations at this 60 acre facility threaten continued release of dangerous quantities of dioxin, asbestos, cyanides and other chemicals into the air, soil, groundwater, and a nearby creek.

40. KOR Corporation and David Suhm, Gary, IN, filed 9/12/80. (7003)

Chemical wastes from production of industrial cleaners and rust removers have created a health hazard to nearby residents, and pose a fire hazard.

41. Conservation Chemical Company, et al., Kansas City, MO, filed 9/29/80. (7003)

Wastes from operations at a hazardous waste storage, treatment and disposal facility have contaminated groundwater, adjoining agricultural land, and threaten contamination of the Missouri and Blue Rivers.

42. BASF Wyandotte Corporation and Federal Marine Terminals, Inc., Riverview, MI, filed 9/30/80. (7003, 13)

Wastes dumped at this 30 acre site near the Detroit River have contaminated soil, surfacewater and groundwater.

43. Bridgeport Rental and Oil Services, Inc., et al., Logan Township, NJ, filed 10/2/80. (7003, 13, 6(e))

Wastes from an 11 acre waste oil storage lagoon and a 58 tank storage area have contaminated soil, groundwater and a tributary of the Delaware River.

44. Chemcentral - Detroit Corporation, Romulus, MI, filed 10/3/80. (7003, 301, 309)

Operations at this chemical distribution facility have lead to contamination of the soil, surfacewater and groundwater.

45. Robert J. Burns; Daniel Dracup; Robert E. Ward, Jr.; et al., Youngsville, PA, filed 10/3/80. (7003, 15, 311)

Storage and disposal of PCB-contaminated fluids at a warehouse in Youngsville has contaminated soil, surfacewater, groundwater and potentially drinking water.

46. Chemical Recovery Systems, Inc., Elyria, OH, filed 10/7/80. (7003, 301(a))

Wastes resulting from a chemical processing and disposal operation have polluted soil, a nearby river, and threaten to contaminate groundwater.

47. Diamond Shamrock Corporation, Painesville, OH, filed 10/7/80. (7003)

Operations at an inactive facility that processed chemicals containing chromium have contaminated groundwater, surfacewater and soil.

48. Fischer and Porter Company, Inc., Bucks County, PA, filed 10/8/80.
(7003, 1431)

Manufacturing operations utilizing trichloroethylene and perchloroethylene as solvents and degreasers have contaminated groundwater, public and private drinking water wells, the public sewer system, and potentially soil.

49. New Castle County; William C. Ward et al., (Tybouts Landfill), New Castle County, DE, filed 10/8/80.
(7003)

Wastes migrating from an inactive 50 acre municipal sanitary landfill have contaminated portions of the Columbia and Potomac aquifers and at least one private drinking water well.

50. County of Hillsborough (Taylor Road Landfill), Seffner, FL, filed 10/9/80. (7003, 1431(a))

Landfill operations in a 42 acre section of a 272 acre site have contaminated soil, groundwater, and private drinking water wells, and threaten contamination of a public water system.

51. Gulf Coast Lead Company, Tampa, FL, filed 10/9/80.
(7003)

Wastes from a secondary lead smelting and reclaiming facility have contaminated soil and shallow groundwater, and threaten the Floridian aquifer, the principle drinking water source of the City of Tampa.

52. The County of Waukesha et al., Waukesha County, WI, filed 12/1/80.
(C.D.) 7003

Spraying by County employees of a herbicide containing dioxin along County roads, has killed vegetation, contaminate soil and possibly contaminated surface water.

53. Fike Chemicals, Inc.; C.S.T., Inc.; and Coastal Tank Lines, Inc.; Nitro, WV, filed 12/5/80. (7003, 301(a))

Chemical manufacturing, transport and treatment by three associated Defendants has contaminated soil, surface water and groundwater.

54. Charles Price et al. (Price's Landfill), Atlantic City, NJ, filed 12/22/80. (7003, 1431)

Hazardous wastes from the landfill have contaminated soil, numerous private drinking water wells, and threaten contamination of the Atlantic City public water supply.

55. Ronald S. West et al. (Chemical Processors, Inc.), Seattle, WA, filed 12/31/80. (7003, 3008, 303)

Storage of toxic, flammable and incompatible chemical wastes threatens fire, explosion, release of poisonous gas, and long term air and soil contamination.

56. Energy Systems Company, El Dorado, AK, filed 1/28/81. (C.D.) 7003

Operations by this hazardous waste disposal and treatment company at its 8.9 acre facility threaten contamination of the soil, surface water and ground water and present a danger of fire and explosion.

57. K.C. Coatings Inc., et al., Kansas City, MO, filed 3/25/81. (7003)

Storage and disposal of flammable caustic and toxic wastes by an ink manufacturing firm poses a risk of fire and explosion and an endangerment to human health and the environment.

58. Monochem, Inc. et al., Hidalgo, TX, filed 3/27/81. (C.O.)7003

Non-permitted storage and transport of wastes allegedly intended for export has violated the Hazardous Waste Management provisions of Subtitle C of the Resource Conservation and Recovery Act.

59. Lehigh Electric and Engineering Co., Inc., Old Forge, PA, filed 4/6/81. (7003, 17(a))

Storage and disposal of transformers and capacitors containing PCB's has resulted in PCB contamination of soil and potentially surface water.

60. Johns-Manville Sales Corporation et al., Nashua, NH, filed 6/22/81. (7003)

Disposal of asbestos wastes at six sites in Hudson, New Hampshire has created a health and environmental hazard.

61. Aidex Corporation, Council Bluffs, IA, filed 6/22/81. (7003)

Storage of industrial agricultural chemicals in an underground 12,000 gallon tank, drums and tank cars, threatens contamination of an alluvial aquifer, soil, and surfacewater.

AUG 10 1981

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Louisville, Kentucky
February 17, 1982

RALSTON PURINA COMPANY,
LOUISVILLE, KENTUCKY;
FRAUD AGAINST THE
GOVERNMENT - ENVIRONMENTAL
PROTECTION AGENCY (HAZARDOUS
WASTE DISPOSAL)

On February 13, 1981, numerous explosions occurred in the Old Louisville section of Louisville, Kentucky, causing considerable damage to the Louisville sewer system, Louisville streets, public and private buildings. Although injuries resulting from the explosions were relatively minor, estimates of damage to public and private property were in excess of fifty million dollars.

On February 13, 1981, United States Attorney John L. Smith, Western District of Kentucky (WDKY), requested Federal Bureau of Investigation (FBI) investigation into this matter. Specific investigation requested by Smith was to secure and obtain the appropriate copies of any records of the Ralston Purina Company with regard to their receipt, storage and use of the chemical Hexane. Information obtained from both the news media and Louisville officials indicated additionally that the explosions were caused by an accumulation of fumes from Hexane, a chemical used in abundance at the Ralston Purina Plant.

U. S. Attorney Smith also requested that appropriate interviews be conducted with employees and officials of the Ralston Purina Company as well as with the Louisville-Jefferson County Metropolitan Sewer District (MSD). in an effort to determine if in fact Hexane was released from the Ralston Purina plant into the Louisville sewer system.

Investigation was conducted during February, 1981, and results furnished to Department of Justice Attorney Ray Murschel,

This document contains neither recommendations nor conclusions of the FBI.

Lands Division, Polution Control Section, who was handling this matter. Liaison was maintained with Murschel during the course of several meetings of the Federal Grand Jury, Western District of Kentucky (WDKY).

On December 30, 1981, the Federal Grand Jury, WDKY, returned a true bill charging the Ralston Purina Company with the following:

criminal action

Count 1 - Discharging Hexane into the Louisville and Jefferson County sewer system in violation of Sections 407 and 411, Title 33, United States Code.

Count 2 - Discharging Hexane into the Louisville and Jefferson County sewer system without a permit in violation of Sections 1311(a), 1319(c), and 1342, Title 33, United States Code.

Count 3 - Negligently operating and discharging certain pollutants, including Hexane, into the Louisville and Jefferson County sewer system creating a hazard of fire and explosion. This was in violation of Section 1311(a), 1317(d), and 1319(c), Title 33, United States Code, and of Section 403.5, Title 40, Code of Federal Regulations.

Count 4 - Releasing a hazardous substance, Hexane, into the environment from an onshore facility without a federal permit without notification of the appropriate agency of the U. S. Government in violation of Section 9603, Title 42, United States Code.

On January 4, 1982, officials of the Ralston Purina Company, entered a guilty plea to all counts of the indictment and the company was fined $2,500 for count 1, $25,000 for each of counts 2 and 3, and $10,000 for count 4, for a total fine of $62,500.

Please state whether or not a preliminary injunction was issued in connection with the Lehigh Electric site and, if so, provide a copy of it together with the government's pleadings and responses thereto.

Please state the date and time on which the Federal government undertook remedial, response or immediate action(s) at the Lehigh site and why these actions were taken if an equitable order was in place and in effect.

Please compare the costs of government response at the Lehigh Electric site with the anticipated costs of action required by the responsible parties under the preliminary injunction.

If an action has been instituted to recover costs in connection with the Lehigh sites, please state whether

-- treble damages are being sought;

-- a cleanup by the responsible parties more complete than that undertaken by the Fund is being sought;

-- what hazardous substances or pollutants or contaminants will remain at the Lehigh site after completion of the government action.

LEHIGH ELECTRIC- Pennsylvania

SITE BACKGROUND

The Lehigh Electric site encompasses approximately 6.4 acres adjacent to the Lackawanna River. Since the early 1960's the site has been used by Lehigh Electric as an electrical equipment repair and storage yard. The hazardous condition existing at the site was created by the indiscriminate handling and disposal of dielectric fluid containing polychlorinated biphenyls (PCBs).

ENFORCEMENT ACTIVITIES

On June 4, 1981, EPA obtained a temporary restraining order (TRO) that prohibited further on-site activities by Lehigh Electric including the transfer of electrical equipment onto or off the site. The TRO has been extended a number of times by the court based upon agreement to such by Lehigh Electrical. A preliminary injunction has never been issued. However, a RCRA 7003 civil action was filed against Lehigh Electric in April 1981. To date, negotiations with the defendants have been unsuccessful. However, the defendants have a very minimal amount of financial resources ($200,000 - $300,000) as compared to the cost of necessary cleanup ($8,000,000) and treble damages are not being sought. Rather, the government is asking for a liquidation of Lehigh Electric's assets with proceeds (estimated at $200,000-$300,000) to be used to reimburse the Superfund.

CERCLA/SUPERFUND ACTIONS

Funding under CERCLA was authorized in October of 1981. The strategy was to perform the cleanup in two phases, since we had to deal not only with the contaminated medium (in this case, soil), but also with the source of the PCB contamination, the thousands of pieces of electrical equipment on-site.

Phase I of the cleanup (equipment removal) was "fast-tracked." Upon completion of the RI/FS, the U.S. Army Corps of Engineers (per an IAG) assisted EPA in the design review and were responsible for assembling a bid package and procuring the cleanup contractor. Removal of all surface equipment and debris was initiated in July 1982 and completed in October 1982.

An IAG is now being prepared for the Phase II cleanup (soil removal) that is expected to begin in August 1983.

Upon cleanup of the site, PCB concentrations of less than 50 ppm will remain in the soil. However, this soil will be covered by backfill and a vegetative cover.

All of the following questions relate to requested or actual emergency actions taken by the Agency according to the attachment included with EPA's response to budget questions submitted by Senator Stafford.

Site	Question
Pollution Abatement Services, Oswego, NY	Please indicate whether the $408,000 has been recovered. If not, state what action has been taken and when towards recovery.
Mobray Engineering Greenville, AL	(Same.)
Cordova Chemical North Muskegan, MI	(Same.) Also, state what remedial action has been undertaken.
Summit National Liquid Services, Deerfield, OH	(Same.)
Arlington, WY	(Same.)
Detroit, MI	What medical treatment was provided to exposed persons, by whom and at whose expense.
General Disposal Santa Fe Springs, CA	1) (Same, as to recovery of costs) 2) (Same, as to medical treatment) 3) Has the damage to natural resources been calculated? If so, describe the protocols used. If not, please explain why such action has not been taken.
Bruin Lagoon Butler, PA	Your report states that "wells passed bioassay tests." Were water samples analyzed for the presence of contaminants? If so, were contaminants present and at what levels? If not, please explain.
Crystal Chemical Houston, TX	Your report states that the pesticide plant in question was abandoned. Please state what attempts have been made to determine the owner of record. State specifically whether a title search has been conducted.

Site	Question
Raser Tannery Ashtabula, OH	(Same, re locating owner)
Chemical Metals Industries, Inc., Baltimore, MD	1) (Same, as to locating owner) 2) Please state own many homes were tested for the presence of contaminants and the results of these tests. 3) Please state what medical treatment, if any, was provided and at whose expense. 4) Please indicate what role, if any, the Centers for Disease Control played in this reponse.
Brodhead Creek Stroudsburg, PA	1) State what action has been taken to identify the owner or operator of this site and the generator of the coal gasification wastes. 2) Please state what action, if any, has been taken to ascertain the damage to national resources.
Midco Inc. Gary, IN	(Same, as to locating owner)
New Brighton, Arden Hills Shoreview, MN	1) Please state whether water samples were tested for the presence of trichloroethylene, trichloroethane, and dichloroethylene. If so, what levels of these contaminants were found in the water? Why did you conclude that these levels did not represent an "imminent and substantial danger to the public health." 2) What action is being taken to provide replacement drinking water supplies. 3) Has an exposure registry been established or has any other authority of 104(i) been implemented with regard to this site?
Olean Well Fields Olean, NY	Please identify the "unconfirmed source" and state what specific investigations have been undertaken to confirm the source.

Site	Question
Carolawn Ft. Lawn, SC	1) Same, as to identifying owner. 2) Same, as to assessment of natural resource damages. 3) Same, as to testing for air contamination. 4) Same, as to exposure registry.
Lehigh Electrical & Engineering Company Old Forge, PA	1) The report states that "owner is violating a court injunction by altering materials on site." Please state whether civil action, including use of the treble damage provisions, has been instituted. If not, why not. 2) Please state whether criminal action has been instituted under RCRA.
Liquid Disposal, Inc. Utica, MI	1) Same, as to recovery of costs. 2) Same, as to health care.
Berncolor, Inc. Poughkeepsie, NY	1) Same, as to recovery of costs. 2) Same, as to health care.
Gold Coast Oil Corp. Miami, FL	Same, as to recovery of costs.
Drake Chemical Corp. Lock Haven, PA	1) EPA report states that the chemical plant was bankrupt. Was this bankruptcy declared prior to a Superfund response or as a consequence of it? State what efforts have been made to identify parent and subsidiary corporations, former officers and stockholders of the corporation, or persons who might have contributed to the site. 2) State what efforts have been made to identify the owner of the real property in question. 3) Same, as to recovery of costs.
Amoco Dock 31 Galveston, TX	Same, as to recovery of costs.
Panther Creek Galleno Park, TX	1) Same, as to recovery of costs. 2) Same, as to natural resources damage.

Site	Question
American Surplus Tacoma, Wash.	1) Same, as to recovery of costs. 2) Same, as to natural resources damage.
New Bedford Harbor New Bedford, Mass.	1) Please state what actions have been taken to identify the industrial sources which discharged PCB's. 2) Please state what action, if any, has been taken to require clean up by the industrial sources. State specifically whether you have considered or sought equitable relief, and if not, please explain.
Triangle Chemical Orange City, TX	Same, as to identifying owner.
Calumet Container Hammond, Ind.	Same, as to recovery of costs.
A&F Materials Greenup, IL	Same, as to identifying owner.
Anaconda Site Akron, OH	1) Please state whether replacement of drinking water supplies have been provided. 2) Same, as to natural resources damage.
Plastifax Corp. Gulfport, MS	1) Same, as to cost recovery. 2) Same, as to health care and disease registry. 3) Same, as to natural resources.
Holder Chemical Ona, WV	1) Same, as to costs. 2) Same, as to natural resources. 3) Please state what drinking water analyses were conducted, and, if any, their results.
Monticello Monticello, Utah	The EPA report states that "planned removal action denied because the site did not meet the NCP eligibility criteria. The hazard is chronic rather than acute in nature." Please identify which specific criteria this site failed to meet.

Site	Question
Monticello (continued)	Please also state why a planned removal action is inappropriate in response to chronic, rather than acute, hazards.
Chemical Drum Hessel, MI	Please state whether the injured individual was provided medical assistance and, if so, by whom and at whose expense.
U.S. Titanium Piney River, VA	1) Please state whether the company involved has reported a release of hazardous substances, as required by law. If so, please provide a copy of any and all such reports, If not, please state what action, if any, has been taken with regard to this site. 2) Same, as to natural resources. 3) Same, as to inapplicability of the law to "chronic" discharges.
Chatham Brothers Solvent Recycling Escondido, CA	1) Please state why no action is to be taken in this case despite the fact that the site is used as a playground by local children. 2) Same, as to identifying owner. 3) Same, as to health assistance. 4) Please explain why the request for a response was rescinded by Region IX.
Tuba City Acid Tank Coppermine, AZ	Please state what actions have been taken to identify the owner/operator of the facility or the generator of the waste.
Gramlich Ft. Smith, AR	The EPA report says that the State of Arkansas performed the cleanup action in this case. Please state whether Arkansas has or plans to recover its costs through use of the Superfund liability provisions.
Jack Dennis Pesticide Burn Site Mid West City, OK	Same, as to cost recovery.
Hixon Plating Bushnell, IL	1) Same, as to identifying owner. 2) Same, as to cost recovery.
Danville Plating Co. Danville, IL	1) Same, as to identifying owner. 2) Same, as to cost recovery.

Site	Question	Response
1. Pollution Abatement Services, Oswego, NY	Please indicate whether the $408,000 has been recovered. If not, state what action has been taken and when towards recovery.	OWPE will respond.
2. Mobray Engineering, Greenville, AL	State what action has been taken and when towards recovery of costs.	OWPE will respond.
3. Cordova Chemical, North Muskegan, MI	1) State what action has been taken and when towards recovery of costs.	OWPE will respond.
	2) Also, state what remedial action has been undertaken.	OWPE will respond.
4. Summit National Liquid Services,	1) State what remedial action has been undertaken.	The site has been fenced to restrict access and control drainage. Extensive surface cleanup has taken place including offsite removal of all drums and bulk tank wastes. A project to evaluate subsurface contamination is planned for the near future.
	2) State what action has been taken and when towards recovery of costs.	OWPE will respond.
5. Arlington, WY	1) State what remedial action has been undertaken.	1) Cleanup of all spilled material and contaminated soil was completed as an immediate removal. No remedial action is required.
	2) State what action has been taken and when towards recovery of costs.	2) OWPE will respond.
6. Detroit, MI	What medical treatment was provided to exposed persons, by whom and at whose expense.	To the best of EPA recollection, two policemen and two citizens were treated at a local hospital for nausea. EPA did not pay for the treatment.
7. General Disposal, Santa Fe Springs, CA	1) State what action has been taken and when towards recovery of costs.	1) OWPE will respond.

Site	Question	Response
7. General Disposal, Santa Fe Springs, CA (continued)	2) What medical treatment was provided to exposed persons, by whom and at whose expense?	2) No medical treatment was provided under Superfund. Citizens complained of suspected exposure in the presence of the OSC. The OSC advised they visit private physicians (at the individual's expense), but no visits were made. Some firemen were examined by a physician who found no evidence of overexposure.
	3) Has the damage to natural resources been calculated? If so, describe the protocols used. If not, please explain why such action has not been taken.	3) EPA did not calculate damage to natural resources. The California Department of Fish and Game conducted the study at the request of EPA. The specific sampling protocols were as follows: The State measured a strip (e.g., X yards long) of the concrete-lined Los Coyotes Creek and counted the dead fish within that strip. They then calculated the number of strips in the Los Coyote Creek and in the San Gabriel River (also concrete-lined) which fed into the ocean. The estimate was one-half million fish killed. A reconnaissance of the river the following day revealed fish moving back into both concrete-lined channels.
8.. Bruin Lagoon, Butler, PA	Your report states that "wells passed bioassay tests." Were water samples analyzed for the presence of contaminants? If so, were contaminants present and at what levels? If not, please explain.	Water samples were sampled for presence of contaminants. No contaminants were present. Removal actions were taken to divert surface runoff and strengthen dikes.
9. Crystal Chemical, Houston, TX	Your report states that the pesticide plant in question was abandoned. Please state what attempts have been made to determine the owner of record. State specifically whether a title search has been conducted.	OWPE will respond.
10. Raser Tannery, Ashtabula, OH	Please state what attempts have been made to determine the owner of record. State specifically whether a title search has been conducted.	OWPE will respond.
11. Chemical Metals Industries, Inc., Baltimore, MD	1) Please state what attempts have been made to determine the owner of record. State specifically whether a title search has been conducted.	1) OWPE will respond.

Site	Question	Response
11. Chemical Metals Industries, Inc., Baltimore, MD	2) Please state how many homes were tested for the presence of contaminants and the results of these tests.	2) No homes were tested. All wastes on the site were drummed and the OSC had no reason to suspect that any had entered nearby homes.
	3) Please state what medical treatment, if any, was provided and at whose expense.	3) No medical treatment was provided. There was no evidence to suggest that persons living near the site had been exposed to harmful levels of chemicals.
	4) Please indicate what role, if any, the Centers for Disease Control played in this response.	4) CDC played no response role. State health officials were involved. Surface cleanup of drums and debris was conducted by EPA and the State of Maryland.
12. Brodhead Creek, Stroudsburg, PA	1) State what action has been taken to identify the owner or operator of this site and the generator of the coal gasification wastes.	1) OWPE will respond.
	2) Please state what action, if any, has been taken to ascertain the damage to natural resources.	2) The State and EPA performed a study which determined potential for damage to natural resources if no remedial action were taken. EPA took cleanup action, thus avoiding any damage to natural resources.
13. Midco Inc., Gary, IN	Please state what attempts have been made to determine the owner of record. State specifically whether a title search has been conducted.	OWPE will respond.
14. New Brighton, Arden Hills, Shoreview, MN	1) Please state whether water samples were tested for the presence of trichloroethylene, trichloroethane, and dichloroethylene. If so, what levels of these contaminants were found in the water? Why did you conclude that these levels did not represent an "imminent and substantial danger to the public health."	1) The presence of trichloroethylene (TCE), trichloroethane, and dichloroethylene were confirmed in water samples. As of 11/19/82 TCE was present in active New Brighton municipal wells in concentrations ranging from less than 1.0 ppb to 20 ppb. Two wells in Arden Manor Trailer Park contained 21-55 ppb and 27-570 ppb respectively. Six contaminated private wells in the area contained 0.5 to 150 ppb TCE. Although EPA viewed the situation in Shoreview as being very serious, it did not meet the criteria for immediate removal action under Section 300.65 of the NCP.
	2) What action is being taken to provide replacement drinking water supplies?	2) As of 3/14/83, two of New Brighton's municipal wells have been deepened to tap an uncontaminated aquifer.

Site	Question	Response
14. New Brighton, Arden Hills, Shoreview, MN (continued)		The city is in the process of deepening two more wells. Replacement of drinking water supplies have not been provided to private homes. EPA is working in conjunction with the State to evaluate methods for interim water supplies for individual and municipal wells. A remedial investigation to determine the source and state of contamination will be conducted concurrently.
	3) Has an exposure registry been established or has any other authority of 104(i) been implemented with regard to this site?	3) No.
15. Olean Well Fields, Olean, NY	Please identify the "unconfirmed source" and state what specific investigations have been undertaken to confirm the source.	OWPE will respond.
16. Carolawn, Ft. Lawn, SC	1) Please state what attempts have been made to determine the owner of record. State specifically whether a title search has been conducted.	1) OWPE will respond.
	2) Please state what action, if any, has been taken to ascertain the damage to naturall resources.	2) EPA investigated the area around the site and found no direct impact to natural resources.
	3) Please state what action, if any, has been taken to ascertain damage to air quality.	3) Air monitoring consisted of routine ambient air monitoring during all phases of the cleanup operations. Air emissions were within safe levels.
	4) Has an exposure registry been established or has any other authority of 104(i) been implemented with regard to this site?	4) No.
17. Lehigh Electrical & Engineering Company, Old Forge, PA	1) The report states that "owner is violating a court injunction by altering materials on site." Please state whether civil action, including use of the triple damage provisions, has been instituted. If not, why not.	1) OWPE will respond.
	2) Please state whether criminal action has been instituted under RCRA.	2) OWPE will respond.

Site	Question	Response
18. Liquid Disposal, Inc., Utica, MI	1) State what action has been taken and when towards recovery of costs.	1) OWPE will respond.
	2) What medical treatment was provided to exposed persons, by whom, and at whose expense?	2) With the exception of the two men killed as a result of this incident, there were no persons exposed to the reaction gases.
19. Berncolor, Inc., Poughkeepsie, NY	1) State what action has been taken and when towards recovery of costs.	1) OWPE will respond.
	2) What medical treatment was provided to exposed persons, by whom and at whose expense?	2) With the exception of two company men killed as a result of this incident, no persons were injured.
20. Gold Coast Oil Corp., Miami, FL	State what action has been taken and when towards recovery of costs.	OWPE will respond.
21. Drake Chemical Corp., Lock Haven, PA	1) EPA report states that the chemical plant was bankrupt. Was this bankruptcy declared prior to a Superfund response or as a consequence of it? State what efforts have been made to identify parent and subsidiary corporations, former officers and stockholders of the corporation, or persons who might have contributed to the site.	1) Bankruptcy was declared prior to a Superfund response. OWPE will respond to efforts made to identify persons who might have contributed to the site.
	2) State what efforts have been made to identify the owner of the real property in question.	2) OWPE will respond.
	3) State what action has been taken and when towards recovery of costs.	3) OWPE will respond.
22. Amoco Dock 31, Galveston, TX	State what action has been taken and when towards recovery of costs.	OWPE will respond.
23. Panther Creek, Galleno Park, TX	1) State what action has been taken and when towards recovery of costs.	1) OWPE will respond.
	2) Please state what action, if any, has been taken to ascertain the damage to natural resources.	2) No damage occurred to natural resources except for the death of three turtles.

Site		Question	Response
24. American Surplus, Tacoma, Wash.	1)	State what action has been taken and when towards recovery of costs.	1) OWPE will respond.
	2)	Please state what action, if any, has been taken to ascertain the damage to natural resources.	2) No action was taken as it was generally believed that natural resources were not damaged as a result of the incident.
25. New Bedford Harbor, New Bedford, Mass.	1)	Please state what actions have been taken to identify the industrial sources which discharged PCBs.	1) The Coast Guard investigated the origin of the PCBs and identified two major contributors. EPA has also identified several small contributors.
	2)	Please state what action, if any, has been taken to require cleanup by the industrial sources. State specifically whether you have considered or sought equitable relief, and if not, please explain.	2) OWPE will respond.
26. Triangle Chemical, Orange City, TX		Please state what attempts have been made to determine the owner of record. State specifically whether a title search has been conducted.	OWPE will respond.
27. Calumet Container, Hammond, Ind.		State what action has been taken and when towards recovery of costs.	OWPE will respond.
28. A&F Materials, Greenup, IL		Please state what attempts have been made to determine the owner of record. State specifically whether a title search has been conducted.	OWPE will respond.
29. Anaconda Site, Akron, OH	1)	Please state whether replacement of drinking water supplies have been provided.	1) Replacement of drinking water supply for neighboring facility has not been provided. Tests found no drinking well contamination. Source of the contamination was removed.
	2)	Please state what action, if any, has been taken to ascertain the damage to natural resources.	2) OSC determined that no damage had occurred.

Site	Question	Response
30. Plastifax Corp., Gulfport, MS	1) State what action has been taken and when towards cost recovery.	1) OWPE will respond.
	2) What medical treatment was provided to exposed persons, by whom, and at whose expense?	2) No medical treatment was provided.
	3) Has an exposure registry been established or has any other authority of 104(i) been implemented with regard to this site?	3) No.
	4) Please state what action, if any, has been taken to ascertain the damage to natural resources.	4) Both EPA and the State conducted studies to ascertain damage to natural resources. The results of the State survey will be available within one month. Preliminary results show no groundwater contamination other than slight problems with purgeable groundwater. The State may recommend a further study to determine extent of soil contamination.
31. Holder Chemical, Ona, WV	1) State what action has been taken and when towards cost recovery.	1) OWPE will respond.
	2) Please state what action, if any, has been taken to ascertain the damage to natural resources.	2) Region will provide answer within 24 hours.
	3) Please state what drinking water analyses were conducted, and, if any, their results.	3) Region will provide answer within 24 hours.
32. Monticello, Monticello, Utah	The EPA report states that "planned removal action denied because the site did not meet the NCP eligibility criteria. The hazard is chronic rather than acute in nature." Please identify which specific criteria this site failed to meet.	The initial decision to deny a planned removal at Monticello was made prior to the final promulgation of the NCP. The criteria used to deny the request include those which require that: 1. a threat exists at a site which, if left unmitigated, may result in a need for an immediate removal, and, 2. an expeditious response is necessary to reduce an imminent and substantial endangerment to public health and the environment. Although believed to present a serious threat, the hazards encountered at Monticello were determined to pose a long-term, chronic threat rather than an acute threat to public health.

CORDOVA CHEMICAL - North Muskegan, MI

1. No recovery has been attempted for §311 Clean Water Act (CWA) funds spent at this site.
2. No remedial action by the fund has been taken.

SUMMIT NATIONAL LIQUID SERVICES - Deerfield, Ohio

Letters were sent to the owner and operator prior to spending $185,000 in §311 (CWA) money at this site by the Coast Guard.

RASER TANNERY - Ashtabula, Ohio

A formal title search has been conducted at this site and two owners identified.

MIDCO, INC. - Gary Indiana

An informal search of records by EPA attorney has identified nine site owners. No formal title search has been conducted.

LIQUID DISPOSAL INC. - Utica, MI

1. A $64,000 emergency removal occurred in June 1982. The owner has declared bankruptcy. DOJ filed a proof of claim in January 1983 in bankruptcy court to recover money.
2. Regarding health measure; EPA has fenced and secured the site to protect nearby residents. Following the death of 2 employees in January 1982, the State obtained a TRO to cease operations at the site.

CALUMET CONTAINER - Hammond, IND

$11,000 was spent for an immediate removal in 1982. NEIC has just completed a search for responsible parties. Notice letters for future planned work are planned. A referral to DOJ for cost recovery is planned.

HIXON PLATING - Bushnell, IL

1. No formal title search has been done. The region has a copy of the contract for sale which identifies old and new owners.

2. Both owners were sent notice letters in November 1982. The Region is now waiting for receipts of expense and is drafting a Referral to DOJ to recover the $35,000 - $40,000 that was spent.

A & F MATERIALS - Greenup, IL

1. The owners/operators of the company were sued in the original action. A title search was done late 1982 in conjunction with negotiations with the responsible generators.

NEW BEDFORD HARBOR - New Bedford, MASS

1. A contractor (GCA) is conducting a field investigation. A report is due in two months. From information given for NPDES permits, information demand letters were sent to two companies. A RAMP is being prepared to conduct additional studies which will identify other sources of PCB.

2. The two major industrial sources of PCB are believed to be Aerovox and Cornell-Dubilier. An administrative order on consent was issued to Aerovox on August 16, 1982. Under the terms of the order Aerovox will assess the problem, propose a remedy and implement the EPA approved remedy. The company's proposal is currently being evaluated by the EPA.

   A TSCA order on consent was issued to Cornell-Dubilier for a site cleanup.

   A landfill which received wastes from these two companies is being evaluated.

CHATHAM BROTHERS SOLVENT RECYCLING - Escondido, CA

The owner is presently in bankruptcy proceedings. The owner and operator have been contacted but have refused to take any action at the facility.

TUBA CITY ACID TANK - Coppermine, AZ

The owner/operator of the facility has been identified. A notice 104/3007 letter was sent to the owner/operator on November 29, 1982.

GENERAL DISPOSAL - Santa Fe Springs, CA

No money has been recovered to date. This case was referred to the Department of Justice on September 30, 1982.

CRYSTAL CHEMICAL - Houston, TX

1. To determine ownership of Crystal, the bankruptcy records and the current deed were examined.
2. No title search has been conducted.

TRIANGLE CHEMICAL - Orange City, TX

1. To determine ownership, the bankruptcy records were examined. Also, the company records were obtained from the the bankruptcy trustee and reviewed by EPA.
2. No title search has been conducted.

JACK DENNIS PESTICIDE BURN SITE - Mid-West City, OK

Costs have not yet been recovered because cleanup is still on-going. Cleanup is expected to be completed by May 1983.

BERNCOLOR, INC. - Poughkeepsie, NY

1. The case was referred to the Department of Justice in October 1982 for cost recovery under Section 107(a). EPA will send a demand letter to the responsible party asking for reimbursement prior to the case being filed in court.
2. Two people died as a result of the explosion an fire at the Berncolor facility and several people who responded to the emergency were injured. The fire department

ordered the evacuation of 500 occupants of an apartment complex located approximately 1/2 miles downwind of the facility to prevent exposure to possible toxic fumes. EPA records do not indicate what medical treatment was provided to exposed persons, by whom, or at whose expense. EPA did reimburse the City of Poughkeepsie for the cost of an ambulance that was on standy in the event that someone was injured.

CHEMICAL METALS INDUSTRIES INC. - Baltimore, MD

1. Owners of the site were located through the Bankruptcy Court.

BRODHEAD CREEK - Stroudsburg, PA

1. Responsible party searches were conducted by the state and several parties have been identified.
2. Both surface and groundwater samples have been analyzed in addition to fish tissue analyses.

DRAKE CHEMICAL CORP. - Lock Haven, PA

1. Yes, bankruptcy was declared prior to a Superfund response. Responsible party search was performed by FIT subcontracts and NUS. As result of this investigation. All the corporate officers have been identified and there is no subsidiary.
2. Same as above
3. Negotiations with trustee and the major creditor (Small Business Administration) is continuing.

HOLDER CHEMICAL - ONA, WV

1. $132,612 was spent for an immediate removal in 1982. EPA has filed a complaint to recover this money.
2. None.
3. A drinking water well on the site was sampled on March 10, 1981 by WV Department Natural Resources. The analytical results indicated 0.046 ppb of technical chlorodane and 0.24 ppb of PCB. In June 1982, the well was sampled by EPA and results indicated that both chlorodane & PCB were below the detection levels.

ARLINGTON, WY

The responsible party's insurance has paid back EPA $6,545.00 which covers the total cost.

AMOCO DOCK # 31- Galveston, TX

Cleanup was done under the jurisdiction of the U.S. Coast Guard. EPA is awaiting a referral from the Coast Guard for cost recovery.

PANTHER CREEK- Galleno Park, TX

Cleanup was done under the jurisdiction of the U.S. Coast Guard. We are awaiting a referral for cost recovery and information on damage to Natural Resources.

OLEAN WELL FIELDS - Olean, NY

We believe that the "unconfirmed source" referred to is the McGraw-Edison Company of Olean, N.Y. EPA has determined that this company is one responsible party. Investigations that have been undertaken to confirm the source of contamination include: a hydrogeological investigation conducted by EPA's zone contractor; a field investigation by EPA Region II enforcement personnel; issuance of information request letters to potentially responsible parties and a review of information provided by McGraw- Edison to the New York State Department of Environmental Conservation. EPA is continuing to investigate other potentially responsible parties.

POLLUTION ABATEMENT SERVICES, Oswego NY

The $408,000 has not been recovered. However, the Department of Justice intends to file with the clerk of the court the expenses incurred by the government in complying with the Judge's order dated August 26, 1977.

DANVILLE PLATING COMPANY - Danville, IL

1. No formal title search has been completed. The current site owner is Danville High School District who purchased the property in July 1982.
2. The On-scene Coordinator Report for an $81,000 immediate removal is in draft. A referral to the DOJ is also being drafted. Oral demands were given to all identified responsible parties prior to spending Superfund money.

GOLD COAST OIL COMPANY- Miami, FL

Seaboard Railway Company, the owner of the site, undertook the surface cleanup of the site. EPA has not spent any superfund money as yet and, hence, no cost recovery action is appropriate. The generators that contributed to the hazardous wastes at the site have agreed to sponser an investigation of the site to determine the nature and extent of contamination on- and off-site.

CAROLAWN - Ft. Lawn, S.C.

Owners of this site were identified by title search and land records. Carolawn Company is the owner of record and the defendants named are: David N. Neill, (as Owner and operator); Bruce Whitten (as O/O) William L. Covaks (principal defendant in Seymour) (as O/O).

MORRAY ENGINEERING - Greenville, AL.

Emergency Response took place in Feb. 1981, under §311 of the Clean Water Act. In 1/83, the Coast Guard received the cost recovery action from EPA. Demand for reimbursement was made in 1/83, for the total cost of $107,967; but the company has not responded yet.

PLASIFAX CORP.- Gulfport, MS.

In June of 1982, EPA undertook an emergency response action at this site as result of a fire from an explosion in the manufacturing facility. The total cost of the action $200,000. The demand for reimbursement has been made to the owner of the facility (Mr. Reed) and he verbally agreed to reimburse us.

AMERICAN SURPLUS - Tacoma, WA

On 3/24/82, EPA undertook a Superfund emergency response action at the site when a fire of unknown origin destroyed many of the buildings and materials on site. EPA spent $200,000 for this emergency action and filed a cost recovery action.

Sinclair Refinery Site Questions

1) In December 1982, Region II requested authority to initiate an immediate removal at the Sinclair Oil Refinery site in Wellsville, New York. On January 8, 1983, the Assistant Administrator for Solid Waste and Emergency Response (AA) denied the Region's request. (See Attachment I.) At that time, Headquarters recommended that the Region offer assistance to the State through the Superfund remedial process. Specifically, it was suggested that the State submit a request for an Initial Remedial Measure to stabilize the bank.

On January 28, 1983, New York State, by letter, requested an emergency response action at Sinclair. In a letter dated March 9, 1983, from Conrad Simon to Norman Nosenchuck (see Attachment II), the Region told the State the following:

- That New York was told of Headquarter's denial of the immediate removal request promptly after the January 8th decision.
- That prior to the above denial, EPA had suggested that bank stabilization could be undertaken quickly as an Initial Remedial Measure under EPA lead. This was rejected by the State because of their position that all Superfund action in New York be State lead.
- That negotiations with the potentially responsible party, which included New York State staff, were escalated following the denial of the immediate removal request. That the potentially responsible party agreed to undertake a bank stabilization but two weeks later reversed itself on this commitment.
- That on February 2, 1983, New York and Region II agreed on a timetable for Superfund action, at which time New York agreed to a March completion of a cooperative agreement application for Sinclair.
- That as of March 9th, no application had been received.

2) The issue of credit for work completed by New York to provide partial stabilization was also discussed in the March 9th letter from Region II to New York. Region II's response was ... "In the absence of specific descriptions of what the State proposes to do and a specific explanation of why the State has declined to pursue an EPA/State cooperative agreement to achieve a more reliable and permanent solution, I cannot provide you with the requested assurance that EPA will reimburse or grant credit for the stop-gap bank stabilization work proposed at Sinclair."

Under EPA's General Grant Regulations, costs incurred at a site prior to the execution of a cooperative agreement may be covered under that agreement. To cover such costs, the State must file, and EPA must approve, a deviation under 40 CFR 30. EPA will consider a deviation request only after an Action Memorandum allocating funds for a site has been signed by the AA, and an assistance application has been filed in the Grants Administration Division. This policy is explained in the "Guidance for Cooperative Agreements and Contracts with States under CERCLA", dated March 1982, and draft revised guidance, dated January 1983. These documents were distributed to the Regional offices, who then distributed them to New York State.

In addition to the above documents, Headquarters also distributed the "Superfund Guidance Manual," dated December 1981, to all Regional offices. Quarterly updates to the manual have been sent to the regions who are asked to share this information with the states.

3) Sums expended by a State for cost-eligible response actions at a site during the window period established by CERCLA section 104 (c)(3) -- January 1, 1978 through December 11, 1980 -- will be credited towards the state's required match for costs at the site. Therefore, if New York State or one of its political subdivisions expended money at Sinclair for cost-eligible response actions during the window period, that amount could be claimed as credit. Note that the language of section 104 (c)(3) clearly limits the application of credit to expenditures "relating to the specific release in question."

Attachment I

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 28 1982

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Request to Initiate Immediate Removal at Sinclair Oil Refinery Site, Wellsville, New York

FROM: William N. Hedeman, Jr., Director Bill Hedeman
Office of Emergency and Remedial Response (WH-548)

TO: Rita M. Lavelle, Assistant Administrator
for Solid Waste and Emergency Response (WH-562-A)

Issue

Region II has requested authority to initiate an immediate removal at the Sinclair Oil Refinery site in Wellsville, New York.

Background

The Sinclair Oil Refinery site is an abandoned, 10 acre landfill which was used for 30 years to dispose of refinery waste including acids, alkalies, tank bottoms, barrelled "off spec" products, filter clay, waste oil, pesticides, and heavy metals. It is estimated that at least 100,000 gallons of hazardous substances, waste oil and oil by-products were dumped into the landfill by Sinclair (now ARCO) before operations ceased in 1958.

The site is located on the western bank of the Genesee River less than one mile upstream from the Wellsville municipal water intake which serves 6000 people. Lateral movement of the river bed and periodic high flow conditions have eroded several hundred feet of the landfill on the river's west bank, causing discharges of drums and contaminated fill into the river.

Nature of Threat

Chemicals, entering the river as the landfill edge erodes away, threaten the Wellsville drinking water supply. Heavy rains in October of 1981 caused erosion which required a 1 1/2 day shutdown of the water intake because of reported taste and odor problems. Subsequent analysis of the raw and finished water indicated the presence of hydrocarbons and chloroform, but the levels measured do not constitute a short-term health hazard. Region II and the State indicate there is a high potential that as the next wet season approaches, further erosion may release a large quantity of the landfill's contents into the river and necessitate a long-term shutdown of the Wellsville water supply. The potential for a major release of pooled waste materials from within the landfill also exists. If a long-term shutdown of the water treatment plant is necessary, drinking water would have to be provided on an emergency basis because no alternate source of water is readily available.

Proposed Action

Region II has requested $355,000 to reinforce the exposed bank of the landfill with rip rap to prevent further erosion, overpack and stage approximately 50 exposed drums and to cover exposed landfill surfaces to prevent further surface water contamination from runoff and seeps at the river's edge.

Discussion

It is clear that the potential for a significant release of a hazardous substance due to high flows of the Genesee River during the next several months does exist and proper mitigative actions must be taken. But descriptions of the conditions at the site as presented in the Region II request do not currently meet the acute threat criteria for undertaking an immediate removal action as prescribed in section 333.65(a) of the NCP. A planned removal action is inappropriate because the site is ranked and appears on the Expanded Priority List for remedial action.

However, the Agency can offer assistance to New York State through the Superfund remedial process in accordance with section 300.68(d)(1)(i) of the NCP, which reads: "In the case of initial remedial measures, a single request may be made by a State for funding the remedial investigation, feasibility study, design and implementation, in order that such measures may be expedited while continuing the remainder of the remedial planning process." The Agency can enter into a contract or cooperative agreement with the State to perform these actions.

Recommended Action

It is recommended that the Region's request for immediate removal actions at the Sinclair Refinery site be denied. Concurrently, the Region should be instructed to discuss initial remedial measures with the State of New York to accomplish these tasks in a timely manner.

In the interim, immediate monitoring of the raw and finished water at the Wellsville water treatment plant should be performed in conjunction with the State to determine if there is exposure to acutely toxic substances. If the data indicate an acute health hazard does exist, I will resubmit an immediate removal request for your consideration.

You may show your concurrence on the lines below.

Concur: Rita M. Lavelle Date: 1/8/83

Nonconcur: ____________________ Date: ____________________

Attachment II

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

9 MAR 1983

Mr. Norman H. Nosenchuck
Director, Division of Solid Waste
New York State Department of
Environmental Conservation
50 Wolf Road
Albany, New York 12233

Dear Mr. Nosenchuck:

I am in receipt of your February 25, 1983 letter requesting reimbursement or credit for work contemplated by the New York State Department of Environmental Conservation (NYSDEC) to provide partial stabilization of the segment of the Sinclair Refinery landfill subject to erosion by the Genesee River. In the absence of specific descriptions of what the State proposes to do and a specific explanation as to why the State has declined to pursue an EPA/State cooperative agreement to achieve a more reliable and permanent solution, I cannot provide you with the requested assurance that EPA will reimburse or grant credit for the stop-gap bank stabilization work proposed at Sinclair. In your letter you deny receiving an EPA response to your January 28, 1982 request for emergency action at Sinclair. This is surprising since I discussed EPA-HQ denial of this request with you and since this denial formed the basis of our joint negotiations with Atlantic Richfield Company (ARCO).

I am very concerned over the breakdown in EPA/State communications which has led to your unexpected letter reasserting an emergency action in light of the fact that the State has failed to submit an application for a more substantive response despite EPA's drafting of a proposal for State consideration. I am also concerned that for the second year in a row you have escalated the matter to crisis proportions despite a failure on your part to pursue established courses of action that show promise.

As you will recall, at the request of NYSDEC, this Regional Office submitted to our Headquarters (EPA-HQ) a request for an immediate removal action with the purpose of stabilizing the subject river bank. This proposal was rejected by EPA-HQ. In a memorandum formally expressing its disapproval with this proposal, EPA-HQ recommended that the State submit a request for an initial remedial measure to stabilize the bank. This decision was immediately passed on to you and your staff.

Prior to this time, however, my staff had suggested the undertaking of the bank stabilization work as an initial remedial measure under EPA lead. An EPA lead would have allowed the immediate use of the EPA Zone Contractor, thereby saving several weeks in the procurement process. This proposal was, however, rejected by you based upon your adamant position that all Superfund actions in New York State must have a State lead. This attitude might indeed have been counterproductive.

Faced with this hiatus, this office decided to expedite its negotiations with ARCO for the purpose of encouraging the Company to undertake voluntary site clean-up and bank stabilization action. I invited you to participate in these negotiations but you were unavailable. However, two members of your staff participated in face-to-face meetings with ARCO and later engaged in direct telephone conversations with both my staff and with ARCO. Their recommendations on timing and actions were generally in agreement with ours. As a result of these discussions, ARCO agreed to two specific actions: (1) begin the immediate removal of drums from the river and its banks, and (2) to undertake a bank stabilization program. Unfortunately, within two weeks of its decisions ARCO reversed itself on the second and more important commitment.

Your letter made a point concerning the time spent to date and the urgency to proceed with this work. Shortly after ARCO's decision on not to undertake the stabilization work, I met with you on February 2, 1983 to agree on timetables for Superfund action at all New York sites. As stated in your letter of February 14, you agreed to a March completion date for the submittal of a complete cooperative agreement application for this project. Since that time you have not submitted an application for funding nor have you discussed the matter with me. Thus my surprise at your February 25 letter. Despite this unexplainable behavior, I want to reassure you that my staff and I are prepared to work with you to expedite the Sinclair project.

Once again I would urge you to submit to us a formal application for the remedial activities proposed for the site, as soon as possible, so that we can meet our agreed upon deadline. This should be achieveable in a matter of days, especially since we have already provided you with a preliminary draft scope of work and agreement provisions for this work. My staff is ready to work with yours to assure that the necessary remedial actions are performed in as expeditious a manner as possible.

Sincerely yours,

Conrad Simon, Director
Air & Waste Management Division

INMONT SETTLEMENT

Please provide the following:

1. The names, titles, addresses and telephone numbers (to the extent that the telephone numbers are available) of all those persons involved in settlement negotiations.

2. The dates and places of all meetings held in connection with the settlement, together with a list of attendees.

3. The date on which the final settlement offer was made and by whom. When, and, the date on which this offer was accepted. Please include a copy of the settlement agreement, as well as all offers and counteroffers which preceded it.

INDEX

Mr. Stafford's Request

INMONT

TAB A:	Names, Titles, Addresses and Phone Numbers for Negotiators Involved in the Inmont Negotiations Inmont Negotiation Meetings
TAB B:	Final Offer Date, Date of Acceptance, Copy of Agreement and Offers and Counteroffers which preceded the Final Agreement

TAB A:

The list of people involved in the Inmont Negotiations is included. At present it is included in the form of copies of attendee lists from meetings on settlement negotiations. This may, however, not be an inclusive list. Verification of names, titles, addresses and meetings will need to be made by contacting each of the attendees involved. At present addresses and titles are not provided. An effort will be undertaken to develop a comprehensive listing of people and meetings immediately and forward it, as originally requested.

EPA + Inmont Corp.
8/12/81 Meeting
10:30a

NAME	OFFICE/AGENCY	PHONE
Thornton "Whit" Field	OA	755-0400
Peter Broccoletti	OLEC	755-042
KAREN V. BROWN	OA	755-044
Deborah Schmall	DOJ	633-525
David Ledbetter	DOJ	633-445
Harlan Agnew	Region V	556-8000
Doug MacMillan	OWPE	426-8710
Chris Capper	AA OSWER	755-917
JIM BUNTING	OWPE	382-305
Deborah Dalton	OWPE-Tech	382-313
Ann Strickland	OWPE-Legal	382-308
H.D. VAN CLEAVE	OERR/ERD	245-3045
DAVID KUTA	INMONT	201-365-3537
ROGER A. FERRUGS	McCutchen, Black	213/381-341
DAVID W. WEINBERG	WALD, HARKRADER & ROSS	202/828-127
PHILIP ARVIDSON	INMONT	201/365-3
PHILLIP ANTOMMARIA	CANONIE ENVIRONMENTAL	219-926-7

August 24, 1981
11:00 a.m.

Name	Office
David Bauer	IT Corporation
H.D. Van Cleave	ERD/U.S.E.P.A.
Jim Bunting	Waste Programs Enf./EPA
Doug MacMillan	EPA/Office of Waste Programs Enforcement (426-8710)
Coke Cherney	EPA/OGC (755-0760)
David Ledbetter	DOJ (633-4450)
Phil Antommaria	Canonie (219-926-7755)
Brian Molloy	WH&R (202-828-1621)
Dave Kuta	Inmont (201-365-3537)
David Weinberg	WH&R (202-828-1279)
Dan Squire	WH&R (202-828-1666)

MEETING - SEP 3, 1981

NAME	ORGAN	PHONE
ROGER A. FERRELL	McCutchen, Black, Verleger Shea	213/624-2400
David L. Bauer	I T Corporation	213/830-1781
JIM BUNTING	EPA - WASH DC	202/382-3050
Coke Cherney	EPA - WASH DC	202-755-0760
Doug Macmullan	EPA	426-8770
DAVID WEINBERG	WALD HARKRADER	202/828 1279
PHIL ARVIDSON	INMONT	201-365-3692
Jim. Grove	EPA Reg. IX	(415)556-7841
Deborah Schmall	D O J.	202/633-5256
Robert D. Wyatt	EPA Reg IX	(415) 556-8000
Harlan Agnew	EPA Reg IX	(415) 556-8000

"General Disposal Site"
Meeting

9/3/81

Doug MacMillan	Director, Office Waste Programs Enforcement/EPA Washington	202-426-8710
Barbara Motz	Deputy Attorney General representing State Dept of H.S	213 736-2860
Harlan Agnew	EPA	415/556-8000
Deborah Schmall	Lands Division - Dept of Justice	202/633-5256
[illegible] E Jaeger	Representing Bayers & M.C. MARTIN JAEGER - ATTY	213/680-3445
PAUL M. WEIL	WEIL & FRITZ - REPR. J.R. COWMAN	213/698-0343
JANICE M. PATRONITE	"	"
JIM BUNTING	EPA - WASHINGTON DC	202/382-3000
DAVE KITH	INMONT	201 365-3531
DAVID B. WEINBERG	WALD, HARKRADER & ROSS (INMONT)	202/828-1279
PHILIP ARVIDSON	INMONT	201 365-3692
Robert A. Ferree	McCutchen, Black, Verleger & Shea (Inmont)	213-624-2400
ON W BENTZEN	GROW GROUP INC.	(313) 643-4600
OBERT R BENNETT	AMERITONE PAINT CORP.	(213) 639-6791
-ARRY GOTLIEB	U.S. ATTY OFFICE - LA	
BRIAN D EYRES	ASHLAND OIL [GRACE, NEUMEYER & OTTO]	(213) 487-6660
[illegible] Hirschmann	Munger Tolles & Rickershauser (Ameritone Paint Co. / Rogers Paint Co.)	213/683-91[illegible]
David Bauer	I T Corporation	213/830-1781
olburn T. Cherney	Assistant General Counsel U.S. E.P.A. WASH DC	202-755-0760
Jim Grove	EPA Region IX	415-556-7591
Robert D. Wyatt	EPA Region IX	415-556-8000
MADISON SPACH JR	Lillick McHose & Charles ([illegible])	(213) 620-9000
Patrick Finley	Strandard	415 (983-1759)

Harlan Agnew	Reg. Enf.	556-8000
H. D. VAN CLEAVE	ERD/OERR	245-3045
JIM BUNTING	WASTE PROGRAMS ENF. EPA	382-3050
DOUG MACMILLAN	WASTE PROGRAMS ENF. EPA	426-8710
Coke Cherney	EPA/OGC	755-0760
David Ledbetter	DOJ	633-4450
Thornton "Whit" Field	Office of the Administrator	755-0400
DAVID KUTA	INMONT	201-~~3~~365-3537
DAVID B. WEINBERG	WALD, HARKRADER + ROSS	202/828-1279
Daniel H. Squire	"	202-828-1666
Brian Molloy	"	202 828 1621
PHILLIP ANTIMMARIA	"	215-426-7755

TAB B

1) The Final Offer was made at meetings between EPA and Inmont on September 16th and September 17th, 1981. The negotiated document was signed by Inmont at approximately 9:30p.m. at Wald, Hakrader & Ross and by Mr. William Sullivan for EPA at approximately 11:30p.m. on September 24, 1981.

2) Copy of Inmont Agreement

3) Offers and Counteroffers (See Attached Chronology of Inmont Negotiations for a Description of offers and counteroffers.)

AGREEMENT

On July 10, 1981, the General Disposal Company facility at 12605 Marquardt Avenue, Santa Fe Springs, California, experienced a fire and explosion. Since that time the Federal Government has expended substantial funds and resources under Federal response authorities to address the situation at the site.

After a series of discussions between representatives of the Inmont Corporation ("Inmont") and the United States Environmental Protection Agency ("EPA"), Inmont has agreed to accept responsibility for completion of the clean-up of the site, subject to the terms and conditions of this document.

This document is based on the following mutual understandings and commitments:

I. By executing this document or taking any actions or obligations under it, Inmont does not admit any direct or indirect responsibility for any activities at or circumstances presented at or by the General Disposal Company facility located at 12605 Marquardt Avenue, Santa Fe Springs, California, under any principles of law or equity, whether established by statute, regulation, common law or otherwise.

II. Inmont commits to undertake and complete the activities described in Attachment I, which are acceptable to EPA as constituting cleanup of the site, and upon completion of those activities the United States convenants not to sue

Inmont as provided in paragraph IX. Inmont agrees to commence the activities described in Attachment I within either (a) five (5) days of the effective date of this agreement, as provided in paragraph XII, or (b) two (2) working days after the removal from the site of all equipment brought to the site by EPA or its contractor(s) that is not to be used by Inmont, its contractor or subcontractors (such use to be totally within the discretion of Inmont, its contractor or subcontractors), whichever is later.

III. EPA recognizes that Inmont intends to fulfill the responsibilities set forth in Attachment I by employing Canonie Environmental Services Corp. ("Canonie") as a contractor, and that Canonie may employ certain subcontractors. In carrying out the activities set forth in this document and Attachment I, neither Inmont nor any of its contractors is acting or shall be deemed to be acting as an agent, representative or contractor of the Federal Government.

IV. During the course of the activities described in Attachment I, the United States shall be permitted to retain, at its own risk, no more than five (5) on-site observers at the General Disposal site, who shall monitor the execution of the provisions of Attachment I. These five (5) observers shall be designated by EPA before commencement of work pursuant to Paragraph II. No replacement of any of these five observers shall be made without written notice and explanation to Mr. David Kuta, Director of Waste Management of Inmont. EPA shall designate one of these observers as its Official Representative. EPA's on-site observers shall not hinder the activities undertaken by Inmont, its contractor, or subcontractors; shall comply with all health and safety requirements and work rules established by Inmont, its contractor, or subcontractors; and, before entering the site, shall execute indemnification agreements substantially identical to those previously required of Inmont representatives by EPA and its contractor before those Inmont representatives were allowed on the site.

V. If at any time during the activities described in Attachment I, the United States believes that said activities are not being performed in compliance with this agreement, consultation with Inmont shall be expeditiously initiated by EPA's Official Representative, whose request shall be confirmed in writing delivered to Mr. David Kuta, Director of Waste Management of Inmont, or his designated representative, within 24 hours. If such consultation fails to produce a mutually satisfactory resolution, the United States, after notice to Inmont, may, at the U.S. Government's discretion, reinitiate federally funded clean-up activity and seek to recover any and all statutorily-authorized U.S. Government costs (whether incurred prior to or subsequent to the reinitiation of the federally financed clean-up) from Inmont or any other potentially responsible party or take any other appropriate action. This paragraph does not constitute any recognition or agreement by Inmont that such costs are legally recoverable from Inmont, or limit Inmont's right to assert that this agreement has been complied with and that Inmont is entitled to the benefits of this agreement.

VI. Any contractor(s) or agent(s) which Inmont engages to perform the activities set forth in this document and Attachment I shall have public liability insurance in an amount of $5 million to cover any injuries or damages to third persons which might result from such activities. The Federal Government shall not be liable for any injuries or damages to persons or property resulting from acts or omissions of Inmont or its employees or contractors in carrying out the activities set forth in this document and Attachment I, and shall not be held out to be a party to any contract entered into by Inmont.

VII. Inmont agrees to reimburse the Federal Government in the amount of $30,000 to defray a portion of the Government's "standby" costs associated with maintaining equipment at the General Disposal site from 12:01 a.m. (PDT) September 17, 1981, to 12:01 a.m. (PDT) September 24, 1981. Payment shall be made by January 2, 1982, in the form of a check payable to the "United States Hazardous Substance Response Trust Fund." EPA recognizes that this payment does not constitute a penalty or fine.

VIII. EPA believes that the situation presented by the General Disposal site may represent an "indivisible harm" giving rise to a lawsuit or lawsuits based on joint and several liability. However, provided that Inmont complies with the provisions contained herein, the Federal Government will only bring actions that seek recovery against potentially liable generators other than Inmont for that portion of the total clean-up cost which reflects those other generators' proportional share of the total costs incurred by the United States and Inmont as a result of this situation. Should the United States bring actions against other responsible parties, EPA does not believe contribution by Inmont to any cost recovery which may be sought or obtained from those parties would be in the public interest or appropriate.

IX. If Inmont complies with the provisions contained herein, the United States covenants not to sue or take any other action against Inmont as to any civil liabilities or claims under Federal law arising out of the situation presented by the General Disposal site. This covenant not to sue is based on the United States' evaluation of Inmont's involvement with the situation presented by the site, Inmont's efforts in studying the site and developing clean-up proposals, and Inmont's commitment to take responsibility for implementing clean-up. The United States has determined that Inmont's commitments described herein, if complied with, represent a full, fair and equitable commitment by Inmont to fulfill any civil responsibilities it may have for the situation presented at the General Disposal site under the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Clean Water Act, or any other statute administered by EPA, and fully satisfy any such responsibilities that may exist.

This covenant not to sue does not constitute a release by the United States or Inmont of any other potentially responsible party.

X. Should any lawsuit, claim, counterclaim or other legal action arising out of the situation presented at or by the General Disposal site be brought after the effective date of this document by or on behalf of any party other than the EPA in which a contribution or payment of any sort is sought from Inmont, EPA shall, if requested by Inmont, submit or provide appropriate affidavits or testimony expressing its view that, by executing this agreement and complying with its terms, Inmont has met any and all obligations that are or properly should be imposed upon it for any share of the funds expended by EPA, any other federal agency, or the Superfund, or for any amounts paid to EPA, any other federal agency or the Superfund by any person, arising out of that situation.

XI. By 5:00 p.m. (PDT), September 29, 1981, EPA shall transfer to Mr. David Kuta, Director of Waste Management of Inmont, or his designated representative, copies of all analytical results and other identifying data pertaining to any materials remaining on the site as of the effective date of this agreement.

XII. The effective date of this agreement shall be the first day that it has been signed by all signatories below, and is independent of any other contingency.

XIII. Attachment I (which constitutes 2 pages) is an integral part of this document.

Executed and agreed to by:

INMONT CORPORATION
1225 Broad Street
Clifton, New Jersey 07015

By:
Philip R. Arvidson
Vice President
Commercial Development &
Environmental Affairs

David B. Weinberg, Esquire
WALD, HARKRADER & ROSS
1300 Nineteenth Street, N.W.
Washington, D.C. 20036

Attorneys for Inmont Corporation

Date: 9/24/81

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
401 M Street, S.W.
Washington, D.C.

By:
William A. Sullivan, Jr.
Deputy Associate Administrator
for Enforcement Policy

Date: 9/24/81

AGREEMENT

On July 10, 1981, the General Disposal Company facility at 12605 Marquardt Avenue, Santa Fe Springs, California, experienced a fire and explosion. Since that time the Federal Government has expended substantial funds and resources under Federal response authorities to address the situation at the site.

After a series of discussions between representatives of the Inmont Corporation ("Inmont") and the United States Environmental Protection Agency ("EPA"), Inmont has agreed to accept responsibility for completion of the clean-up of the site, subject to the terms and conditions of this document.

This document is based on the following mutual understandings and commitments:

I. By executing this document or taking any actions or obligations under it, Inmont does not admit any direct or indirect responsibility for any activities at or circumstances presented at or by the General Disposal Company facility located at 12605 Marquardt Avenue, Santa Fe Springs, California, under any principles of law or equity, whether established by statute, regulation, common law or otherwise.

II. Inmont commits to undertake and complete the activities described in Attachment I, which are acceptable to EPA as constituting cleanup of the site, and upon completion of those activities the United States convenants not to sue

ATTACHMENT I

All references to Inmont in this attachment are understood to include Inmont, its contractors and subcontractors, as appropriate.

1) Inmont shall remove all waste materials and drums from the site, including all drums requiring special handling which currently are isolated in the "staging area," and shall excavate and properly dispose of soil to a depth of 6 inches from the surface of the site.

2) EPA shall remove and properly dispose of the substances currently held in the three "Baker tanks" on the site, and remove the tanks themselves.

3) Inmont shall monitor air emissions from hydrocarbons at two locations on the site and shall conduct a perimeter patrol monitoring program. A threshold of 30 parts per million of hydrocarbons at the perimeter shall be reported by Inmont to local officials for their possible further action in protecting nearby residents.

4) Inmont shall comply with the current on-site worker safety program, substituting airline respirators for self-contained breathing apparatus where it will not be damaged by heavy equipment.

5) Inmont shall develop, submit to the State of California, and if necessary implement a surface water run-off contingency plan. This plan will be designed to control surface water run-off from the site in the event of heavy rains or flooding during the removal operation. Inmont will properly treat and dispose of any contaminated surface water collected or impounded as part of the run-off contingency plan.

6) Inmont shall create and periodically provide to EPA's Official Representative a drum inventory identification log which shall include color photographs of each drum sampled. Such photographs shall clearly display any drum markings.

7) Inmont shall take samples from each drum prior to removal; cross-reference these samples to the drum inventory identification log (see #6 above); comply with reasonable chain of custody requirements as prescribed in writing by

EPA (which requirements shall be delivered to Inmont by September 30, 1981), and provide such samples to EPA's Official Representative or such State of California personnel as EPA may designate in writing to Mr. David Kuta, Director of Waste Management of Inmont. EPA's Official Representative or designee shall promptly accept responsibility for these samples (including their ultimate disposal).

8) Inmont shall comply with pertinent Federal and California transporting, manifesting, and disposal requirements for hazardous wastes.

9) Prior to the combining of individual drums, Inmont shall conduct compatibility testing to identify and seek to prevent any adverse reactions.

10) Inmont's obligation for site clean-up will be completed when all drums, their contents, and 6 inches of soil have been removed from the site and properly disposed of, and when the conditions outlined in the primary document and this attachment have been completed.

[END]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 8 1982

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: National Priorities List

FROM: William N. Hedeman, Jr., Director
Office of Emergency and Remedial Response

THRU: Rita M. Lavelle
Assistant Administrator

TO: The Administrator

As I indicated to John Daniel on Monday, there are a number of issues that remain to be resolved before we can publish the proposed National Priority List for comment. We believe that we can prepare the list and announce it by December 15, 1982, if these issues are resolved. Proposal in the Federal Register would follow on or about December 22, 1982.

Each of the issues has been identified behind one of the tabs in the attached notebook. In some cases, the issue has previously been discussed with you, and a decision has been made. However, we felt that you may want to re-examine the issue once again in terms of its relationship to certain sites on the National Priority List. In those cases, we have included in the notebook a two page summary of current events as well as the previous issue paper that was prepared on the matter.

The following briefly summarizes each of the issues that require your resolution:

1. How many sites should be proposed? (TAB A)

As I discussed with you last week, our preliminary feeling was that the cut off score for being proposed for consideration on the National Priority List would have been a mitre ranking of 25. This would have produced approximately 445 sites for proposal, recognizing that the law requires us to publish a list of "at least 400." If we establish the cut-off score at 28, there will be 421 sites proposed; at a cut-off of 29 there will be 403 sites proposed. I believe that whatever the decision is, we must leave some degree of cushion for sites that, during the comment period, reveal facts that are not known to us at this time, and that may require their removal from the final National Priority List when it is published in the spring. In addition, based on decisions that may be made with respect to mining and radioactive waste sites (see discussion below and separate tabs) we may want the latitude to remove some or all of the mining and radioactive waste from the final National Priority List. In any event, I believe that at least 410 sites should be proposed for public comment.

This issue also leads to the question of how many sites should be maintained on the Priority List as a result of the quarterly listing and delisting process (discussion below and separate tab). I don't believe this issue needs to be answered now but it should be considered in determining how many sites should be initially proposed.

2. Categorization of Sites on the Proposed List: (TAB B)

Following discussions with several Regional Administrators and with a number of States at the National Governor's Association meeting last week, we have received strong encouragement to categorize the sites on the proposed list in order that the public and the media can understand the full meaning and purpose of the list. When the interim list was published, significant confusion occurred as to exactly what the Federal and State governments intended to do with the sites. Many believe that all of the sites on the interim list would be immediately funded by Superfund for cleanup. Based on these informal discussions, we have tentatively established four categories in which sites would be listed on the proposed list:

o Candidates for fund-financing (which would include the 67 sites on the Interim Priority List now under some form of funding);

o Sites under Federal or State enforcement;

o Sites being corrected by voluntary initiatives; and

o Sites in which the status as yet is undetermined.

In the latter category, for example, we may have to do a fair amount of site investigation to determine whether a problem actually exists. This is the approach being taken, for example, at Tar Creek. The categorizing approach is summarized behind Tab B, and I have taken the initiative to request the Regions by this Friday to provide us information that would allow us to categorize sites in one of these four categories. However, should you feel that inappropriate, we can return to the original concept of listing all 400 sites in order of their mitre ranking. You may also want to propose a combination: e.g. list the sites in order of their mitre ranking accompanied by a category notation.

3. Delisting: (TAB C)

The National Contingency Plan established the concept of delisting in section 300.66. In addition, following discussions with you in June, I transmitted guidance to the Regions that established the following categories that, if achieved, would lead to the delisting of sites from the National Priority List.

o EPA in consultation with the State has determined that responsible parties have completed cleanup such that no publicly funded response actions will be required.

o EPA has determined that no further cost-effective response actions can be taken at the site.

o EPA has determined based on a feasibility study that no remedial actions should be undertaken at the site. EPA will consider the nature and severity of the problems, potential costs of cleanup, and available funds in making such decision.

The attached issue paper deals with these options in more detail.

In the premable to the proposed National Priority List, we would propose to delist six sites. Four of them - Chemical Metals, Luminous Processes, Walcott, Chemical Minerals - have been totally cleaned up. One Federal facility was mistakenly added to the list by the District of Columbia. And the final, Allen Transformer, was nominated for the Interim Priority List based on erroneous information; we now have enough information to know that it scores extremely low and would not be considered a problem.

Another option exists under which you would not delist any sites but instead would shift them to a category of "completed" or "deferred" sites initially proposed. This may be inconsistent with the overall strategy of delisting, which is to give responsible parties incentive to move forward and rapidly clean up sites in order to get off the list. This option may also help you to ultimately control how many sites remain on the list, versus how many sites get added to the list during the quarterly update process. In June, you indicated that a quarterly update should be examined as part of the delisting issue. In short, we anticipate that as a result of ongoing site inspections there will be reason to update the list with new sites and that these would be dealt with at the same time as deletions through the quarterly update process. I propose that we deal with this issue when it arises. I bring it up now only because it may affect your decision on how many sites should be on the list.

4. Sites on Indian Land: (TAB D)

Several sites on the National Priority List will be physically located on Indian lands. This situation actually exists on some of the sites on the Interim Priority List. Tar Creek involves Indian Lands and the mining waste issue. We have included in the book an options paper as to how we will address sites on Indian lands, given the unique legal status of these lands. The fundamental issue involves the requirement of States, under the Law, to contribute 10% for the remedies at these sites, and the extent to which States would be willing to become involved in this given their general lack of authority, and in some cases lack of interest, over Indian reservations. We believe that the best course of action would be reflected in option 2 of that option paper, which would essentially allow us to consider a site on an Indian land for fund-financing if the Indian tribe and the State reached agreement over the 10% issue. (I should note that this final paper has not been examined by OLEC, OPRM, or OFA, which has responsibility for Indian policy in the Agency, although staff review has occurred on previous drafts. You may want to defer any decision on this issue until those offices have had an opportunity to examine it, as it is not one that we would have to directly address in the proposed National Priority List.)

5. Mining Sites: (TAB E)

As the background material in the notebook indicates, there are 5 mining sites on the Interim Priority List, excluding 2 mining sites that involve radioactive substances (these are discussed below under radioactive sites and Tab G). We anticipate that up to 7 sites would be added to the proposed National Priority List for comment depending on which cutoff score you choose. While we have taken the position that we will pursue all available enforcement options before considering a mining site for funding, we are rapidly approaching a position with some sites in which no enforcement option appears likely. (I believe that this will be the case with respect to the abandoned mining site in Central City, Colorado, which the State is anxious to move forward on.) Therefore, we will have to seriously consider funding remedial action at several mining sites in the near future, and this potentiality will increase when we propose additional mining sites on the list. Rita and I intend to meet with Stan Hulett of the Department of Interior on Tuesday, December 14, to discuss the authorities of DOI administered through the Bureau of Mines, to correct problems at abandoned mining sites, and the extent to which the Department of Interior would be willing to assume this responsibility. Recognizing that it will probably take DOI some time to respond officially I propose that we propose the NPL, including mining sites. The Department of Interior could then make their position known during the comment period on the National Priority List, and allow us the opportunity to make a revised policy decision with respect to mining sites. We have included the material in the attached notebook, however, in the event that you would want to revise your position on mining sites at this time.

Your decision in June on mining wastes hinged on two possible readings of CERCLA: one that interprets the exemption of mining wastes under RCRA and CERCLA broadly:

-- Mining wastes are hazardous substances if they or their constituents are hazardous substances;

The second interpretation is a literal interpretation:

-- Mining wastes are not hazardous substances, as exempted under RCRA, even if their constituents are hazardous.

While neither reading is attractive, the first interpretation allows us to respond and/or enforce against responsible parties (CERCLA enforcement authorities apply only to hazardous substances -- not to pollutants or contaminants or to mining wastes that would be exempted under RCRA.) The second reading allows you to respond to mining sites but not to enforce against responsible parties. The problem is that it is the second interpretation that seems to be closer to the statute and legislative history, although OGC told you in our June meeting that a supportable attempt can be made to pursue enforcement and cost recovery in either case.

6. Federal Facilities: (TAB F)

As you are aware, there are substantial number of sites that have been reported to us over the two year history of the program which are actually Federal facilities. None of these would be included on the National Priority List, as we do not have authority under the law to take corrective action on Federal facilities. There are approximately 14 sites, however, that would be included on the list either because they are former Federal facilities now owned by other parties (e.g. the McClintic Site in West Virginia, which is presently on the Interim Priority List), or because they are contiguous to existing Federal facilities and may be contaminated by releases of hazardous substances coming from the Federal facility itself. We have discussed this situation with the Defense Department, and they are aware that they will receive pressure from outside sources when sites contiguous to their facilities are proposed. Other than you being aware of this potential issue, no further decisions on this subject appear necessary.

7. Radioactive Waste Sites: (TAB G)

As we discussed in June, and as was subsequently transmitted to the Regions, the proposed list would consider abandoned sites involving radioactive waste over which the Nuclear Regulatory Commission and the Department of Energy have no authority. Luminous Processes (which we already have cleaned up) and the Denver Radium Sites fit within this category. We are including this issue in your briefing book in the event you want to reverse this position, and not incorporate any radioactive waste sites on the National Priority List. We estimate that approximately 13 sites would fall within this category for proposal on the list. However, if you reverse this position, we can anticipate substantial criticism for taking this action. Rita and I intend to continue to pursue with the NRC and DOE the extent to which their generic authorities may be available to address some of these abandoned sites; however, as a general rule, they have taken the position that sites which occurred before the Atomic Energy Act was enacted and sites that do not have a current NRC license are sites over which they have no authority whatsoever.

8. RCRA Related Sites: (TAB H)

A number of sites were nominated by the Regions for inclusion on the National Priority List that either are being regulated by RCRA, or that are a subpart of an established RCRA-regulated facility or that are contiguous to a RCRA-related facility. We do not intend to include on the National Priority List any site that we feel can be adequately regulated by RCRA. We would propose to include, however, sites that are contiguous to a RCRA facility or that are physically located within the geographical boundaries of the owned facility but are not regulated by RCRA because they have been closed.

One particular site, Port Washington in New York, could be included on the National Priority List because it is a subtitle D facility under RCRA, not an interim status, subtitle C facility. Preliminary testing by Region II has indicated air missions from this facility that would score relatively high on the mitre ranking. This site has received substantial media attention in New York during the last several months.

9. OMB Clearance:

As this list would be proposed for public comment, and also would have the potential to be a "budget buster," the question remains as to what review and clearance we would have to obtain from OMB. We have not approached them on this subject. We did not receive their clearance for the Interim Priority List. Related to this is the fact that we have not submitted the sites to OLEC or OPRM for official review, although the OGC part of OLEC has worked with us in developing the Preamble to the List. We have been consistently concerned over the possibility of leaks and other security related matters that may occur if a large number of individuals from various units within and outside become privy to the sites on the National Priority List. If OMB and/or the Office of Enforcement Counsel require a lengthy review, I believe we may not be able to propose the list until mid January. If we pursue no OMB review and a very short OEC review, we can cut about two to three weeks off that date.

10. Hudson River PCB

As I discussed with John Daniel last Monday, we would not include the Hudson River PCB site on the proposed National Priority List at this time. Rather, after the proposed list is announced,. we would announce our decision with respect to Hudson River PCB's and our intent to deal with that site under the authorities of CERCLA. We would then proceed to demonstrate that commitment by doing a "remedial action master plan" that would identify the problem to be addressed by the authorities of CERCLA, and the manner in which we would address that problem through fund-financing and related enforcement action. Subsequently, we would add the site to the National Priority List during one of these scheduled updates of the list.

SIZE OF THE NPL

- If we tried to cut the list off at exactly 400* sites, we would have a three-way tie (#'s 400-402) with a score of 29.07, with the next highest score being 29.28 and next lowest 29.05.

- Setting various cutoff scores yields the following numbers of sites on the list:*

Cutoff Score	Number of Sites	Next Lowest Score
≥ 29.00	403	28.98
≥ 28.00	421	27.81
≥ 27.00	431	26.76
≥ 26.00	449	25.56

- Setting various list size limits yields the following examples of cutoff scores and point spreads (between sites on the list and next highest scores):*

Number of Sites	Cutoff	Spread
400	29.07	(tied thru 402)
410	28.71	0.09
420	28.06	0.04
425	27.76	0.06
450	25.56	0.03

- There are no clear regional patterns for sites scoring 401-450 except: 15 are in Region 5; Region 6 is very concerned about which sites might not be on the list if we cut off at 400.

- Conclusion: There are no clear breaks in score that would allow convenient cutoff to be established.

---

*Score distributions are calculated as of November 29. Still subject to minor changes.

CATEGORIZATION

Background

- A number of Regional Administrators and States have indicated a desire to categorize sites on the National Priorities List.
- Confusion existed when the Interim Priority List was published as to exactly which sites were candidates for Fund-financed actions or enforcement actions.

Options

(1) List sites according to 4 categories:

- (a) voluntary response
- (b) Federal and State response
- (c) Federal or State enforcement
- (d) actions to be determined

(2) List sites according to their Mitre score.

(3) Use a combination of the above--list sites according to mitre score accompanied by a category notation.

Recommendation

We recommend option 1. This minimizes the public's expectation that sites will all be funded and in the order listed if the mitre scores were used as the basis for listing.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC - 6 1982

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Classification of Actions at Sites

FROM: William N. Hedeman, Jr., Director
Office of Emergency and Remedial Response Bill Hedeman

TO: Director, Air & Waste Management Div.
Regions I-X

Superfund Coordinators
Regions I-X

A number of the Regional Administrators have requested that in publishing the National Priority List (NPL) the Agency should identify the efforts of public agencies and private parties to respond to releases of hazardous substances. Thus, in order to present the proposed NPL as fairly and accurately as possible, we have to expeditiously classify the sites according to the following categories: Voluntary Response; Federal and State Enforcement; Federal and State Response; and Actions to be Determined. The definition for each category is given below.

Voluntary Response - This includes actions taken to respond to releases of hazardous substances by potentially responsible parties or private parties which are sanctioned under consent agreements, consent orders or consent decrees under which the Federal government is a party. It would not include response actions taken independent of such sanctions. Neither would it include actions taken to upgrade operational pollution control systems or waste disposal operations mandated under Federal and State regulatory programs (e.g., upgrading surface impoundments which are operated pursuant to an NPDES permit or improvements or corrections to hazardous waste unit operations operated under the Interim Status provisions of RCRA).

Federal and State Response - This includes sites where EPA and the State agencies are carrying out or have carried out removal or remedial actions under CERCLA. For the purpose of this classification, at "State lead" sites a remedial action is considered as having begun when EPA has obligated funds via a Cooperative Agreement and determined that no enforcement action is feasible prior to response. For "EPA lead" sites a remedial action has begun when the State has signed a State Superfund contract to meet its responsibilities and EPA has both obligated funds and determined that no enforcement action is feasible prior to response. For removal actions, response has begun when EPA has obligated funds.

Federal or State Enforcement - This includes all sites where the United States Government or the State has filed a civil or criminal complaint or issued an administrative order. Also included are all sites which have been formally referred to the U.S. Department of Justice for enforcement action.

Actions To Be Determined - This includes all sites not otherwise listed.

The Regional Superfund Offices are instructed to work with Regional enforcement staff to develop a list of all sites which are actively being considered for inclusion on the proposed NPL (i.e., either HRS score above 25.00 or a State's designated top priority site) and to indicate beside the name all categories which are appropriate. Be sure to note that a site may be assigned more than one category except that "Action to be Determined" is exclusive of all other categories.

See the attached sheet for the format that is to be used in compiling and reporting this information. In order to expedite the completion of the NPL process, Sam Morekas and his appropriate Zone Managers in the State and Regional Coordination Branch will be the contact point for this activity. The results may either be telefaxed to the Headquarters Communications Center (755-2844) or sent by courier service to Sam Morekas to arrive no later than 4:00p.m., Friday, December 10, 1982. Each page is to be labeled at the top, "FRIDAY THE 10TH" in order to expedite handling in the Communications Center.

Information on the classification of NPL candidate sites should be sent to:

Sam Morekas, Chief
State & Regional Coordination Br., HSCD, OERR
U.S. Environmental Protection Agency (WH-548E)
401 M Street, SW (Room S215 Mall)
Washington, D.C. 20460

Your cooperation in helping us to compile this information for the NPL will be greatly appreciated.

Attachment

cc: Sam Morekas
State & Regional Coordination Br. Staff

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Deleting Sites from the National Priority List

FROM: William N. Hedeman, Jr., Director
Office of Emergency and Remedial Response

TO: The Administrator

THRU: Rita M. Lavelle
Assistant Administrator

This issue paper is in response to your request to examine options for deleting sites from the National Priorites List (NPL). A corollary issue that you will need to address at the time of our first quarterly update is whether the list should include the about 400 sites or whether you would rather have more or less than that number. I believe we will need a legal opinion on whether we can maintain less than 400 sites on the list. The last option in this paper, however, presents one way to deal with this problem.

Background:

Section 300.66 of the National Contingency Plan (NCP) provides that in revisions to the NPL EPA "will serve notice of the deletion (if any) of releases previously listed." A general policy for deleting sites was included in the NPL preparation guidance, during this past summer. The NPL guidance provides that sites may be removed from the NPL where one of the following conditions has been met:

- EPA in consultation with the State has determined that responsible parties have completed cleanup such that no publicly funded response actions will be required.
- EPA has determined that no further cost-effective response actions can be taken at the site.
- EPA has determined based on a feasibility study that no remedial actions should be undertaken at the site. EPA will consider the nature and severity of the problems, potential costs of cleanup, and available funds in making such decisions.

Prepared by: LOUNSBURY/WH-548/382-2180/8 Dec

This paper considers suboptions under each of these approaches. It should be noted that an alternative to deleting sites is to include them in particular categories of the NPL that reflect the status of cleanup actions. For any of the options below, such a category could be used in lieu of actual deletion from the list.

Deletion would occur through the quarterly update process outlined in the NPL guidance. I anticipate that sites would be proposed for deletion in one quarterly revision, and eliminated from the next version. Your decision on delisting also may affect your decision on how many sites you want to maintain on the list over time. While we delete some sites there may be reason to add other sites as a result of new information gained. However, I recommend that we deal with this issue at the time of the first quarterly update. Several options that describe situations for delisting sites are described below:

Option I: Enforcement/Private Party Cleanup

Suboption A: Delete sites when a legally enforceable agreement has been reached.

Suboption B: Delete sites only when Private party cleanup is completed.

Suboption A: Delete sites when a legally enforceable agreement has been reached.

Advantages:

- There will be a strong incentive for responsible parties to reach agreements in order to avoid the publicity associated with having a site on the list.
- Many industry representatives argued for a process for deleting sites in their comments on the NCP.
- Sites undergoing cleanup could be removed from the NPL as a measure of Agency progress in implementing the program.

Disadvantages:

- Cleanup agreements are not always smoothly carried through to completion. Sites might have to be added again to the list if they were deleted.
- Deleting sites from the NPL might increase pressures to add new sites to the NPL, although this problem can be addressed as we approach the first quarterly update.

Suboption B: Delete sites only after private party cleanup is completed.

Advantages: Same as suboption A, with the following addition:

- The question of adding sites to the list again if responsible parties do not fulfill agreements will not arise.

Recommendation:

Suboption B is the preferred option. Private party sites should be deleted only when the cleanup work is completed.

Option II: Delete sites when cleanup is infeasible for environmental, technical or economic reasons.

The NPL guidance provides that sites can be deleted if ". . . no further cost effective response actions can be taken at the site, or if EPA has determined, based on a feasibility study that no remedial action should be undertaken at the site." The no action alternative might be selected on the basis of the results of a remedial investigation/feasibility study, which show that:

1. the environmental or public health problems were not serious enough to warrant a Superfund action;

2. there is no practical engineering or other alternative that would correct the problem; or

3. the costs are prohibitive, as a result of application of the fund balancing test of section 104(c) to the selected alternative.

Advantages:

* EPA may be subject to public criticism for leaving sites on the NPL when it does not intend to take any remedial action.

Disadvantages:

* The NPL would no longer be based on the severity of the problem presented by the site, but would also reflect the feasibility of cleanup action.

Recommendation:

We recommend that EPA delete sites if a feasibility study indicates that no remedial action should be undertaken (and there is no chance of enforcement).

Option III: Do not delete any sites, but shift them on the list to a category of "completed sites" or "action denied" or "deferred due to technical or economic infeasibility."

Advantages:

* Will provide a continuous record of site status

* Can be used to offset pressure to increase the list above a total of 400.

Recommendation:

We recommend that you approve options IB, and II.

Approval/Disapproval:

		Approve	Disapprove
Option IA:	Private party agreement has been signed	____	____
IB:	Private party agreement has been fulfilled	____	____
II:	No action alternative selected because of environmental, technical or economic reasons	____	____
III:	Do not delete sites, shift to completed, denied or deferred categories	____	____

______________________ ______________
ANNE M. GORSUCH DATE

NATIVE AMERICAN LANDS

Background

- Congress did not specifically consider Native Americans and their land when CERCLA was passed.
- Indians do not neatly fit into any of the categories of actors under CERCLA.
- Case law and statutory history of Indians under environmental law does not determine the issue.
- Sites on the Interim Priority List involve Indian lands.

Policy Considerations

- States do not have general authority over Indian lands.
- States generally lack the authority to unilaterally make the 104(C)(3) cost sharing assurances for Indian lands.
- Irrespective of policy chosen, Indian lands will in the first instance be treated like any other responsible party.

Options

Option 1: Take no role in remedial actions on Native American land, while providing removal, technical, investigative, and enforcemnt assistance.

Option 2: Treat Native American lands as any other entity is treated for purposes of Superfund. EPA would recognize that CERCLA makes no special provision for Native American lands but allow remedial funding if Native Americans and States reach agreement on how statutorily required State section 104(c)(3) assurances can be made and EPA deems such assurances adequate.

Option 3: Characterize Native Americans and their lands as one of several existing categories:

- States,
- municipalities,
- private entities, or
- Federal facilities.

Option 4: Native Americans and their lands may be defined as "unique entities" requiring case-by-case consideration by EPA. This would require EPA to make decisions on how to treat Native American lands on a site-specific basis.

Recommendation

We recommend adopting option 2.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 6 1982

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Options for Native American Policy for Superfund

FROM: William N. Hedeman, Jr., Director Bill Hedeman
Office of Emergency and Remedial Response (WH-548)

TO: The Administrator

THRU: Rita M. Lavelle Rita M. Lavelle
Assistant Administrator

BACKGROUND

Congress failed to consider specifically the peculiarities of Native American lands when it passed CERCLA. Consequently, Congress' intent regarding the allocation of responsibility and costs for response action on Native American land is unclear. CERCLA's response framework involves three major actors: the Federal Government, the States and their political subdivisions, and private entities. CERCLA does not specify that Native American tribes do not fit within any of these groups.

Although the particular jurisdictional problem presented by Native American land is unique to Superfund, other environmental statutes also encounter problems fitting Native Americans into their regulatory framework. In response to the lack of a uniform Federal policy addressing Native Americans and their lands within the context of environmental regulation, EPA is developing a broad policy statement regarding the unique status of Native Americans.

Three sites on the Interim Priorities List (IPL) involve Native American tribes and lands to a limited degree: Commencement Bay, Tar Creek, and United Nuclear.

- Commencement Bay in western Washington State. The bay has been contaminated by the direct discharge of liquid and solid wastes over many years. Part of the water supply for the city of Tacoma and soil surrounding a chemical company have also been contaminated. Both the State of Washington and the Puyullup Indian tribe claim ownership of the bay.

- Tar Creek in Oklahoma and Kansas. The discharge of water from abandoned mines has contaminated the surface water and ground water in a 40 square mile region. Approximately 95 percent of the lands involved are owned by private Native American families or Native American tribes.

- United Nuclear Site in Churchrock, New Mexico. The United Nuclear Corporation operates a uranium processing plan near the Navajo Indian reservation. In 1979, 93 million gallons of uranium wastes were accidently released into the Puerco River contaminating surface water and ground water. Low-level radiation persists in water which flows into the reservation.

Further research may reveal additional sites involving Native American lands, including sites entirely on Native American land. In fact, some have been submitted as candidates for the NPL.[1]

EPA's policies concerning response actions on Native American lands must take into account three characteristics of CERCLA. First, the statute is silent as to the treatment of Native Americans lands. CERCLA is built upon a framework involving three primary actors: the Federal Government, the States and their political subdivisions and private entities. Native American tribes have consistently been treated by the courts as separate and distinct from the Federal Government, States, and municipalities, yet embodied with a limited sovereign status considerably higher than private entities.

A second and related factor is that section 111(c)(3) of CERCLA prohibits the use of Fund monies for remedial action "with respect to Federally-owned facilities." This exclusion does not appear to apply to Native American lands, since case law makes it clear that the status of Native American lands is something less than Federally-owned.

Lastly, if a release is eligible for a Fund-financed remedy, section 104(c)(3) prohibits remedial funding unless the State in which the release occurs first enters into a contract or cooperative agreement with the Federal Government assuring the future maintenance of response actions, the availability of acceptable hazardous waste disposal facilities, and the assumption of at least part of the costs of remedial action (i.e. 10 percent or at least 50 percent of costs if the site is owned or operated by a State or local government). States lack the power to unilaterally make these assurances when Native American lands are involved, because States generally lack jurisdiction over such lands. Unless the State can make the required assurances, however, EPA lacks the authority to take remedial action on Native American lands.

It is important to note that irrespective of the policy chosen, Indians and their lands will in the first instance be treated in the same way as other responsible parties. If the Indians are "responsible" for the problem, they must pay their "fair share" prior to any Federally-funded response. This paper addresses issues raised after this threshold determination.

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[1] Preliminary analysis indicates that in addition to the 3 IPL sites involving Indians, Tucson Airport, Arizona and Celtor Chemical Corp, California, are Indian sites.

POLICY CONSIDERATIONS

The Agency must address the following questions in deciding what policy to follow for response to releases on Native American lands.

Should EPA take any role in remedial actions on Native American lands? EPA could decide that the failure of Congress to consider the special case of Native American lands combined with the State cost sharing provisions of section 104(c)(3) leave it with no clear Congressional mandate to take remedial action on Native American land. The impact of such a decision could be mitigated by EPA's use of other resources to reduce the problems of contaminated Native American lands. Removal actions, technical assistance, investigations, and enforcement actions could be provided by the Agency, when appropriate.

When contaminated sites are only partially on Native American lands, site-specific comprehensive memoranda of understanding could be negotiated among States, tribes, Department of Interior (DOI), and other interested parties to allocate the costs and responsibility for cleanup.

EPA also could argue that Native American lands are Federal facilities and, therefore, take no remedial action with respect to such lands. This approach, however, would entail classifying Native American lands in a manner not clearly set forth in CERCLA.

Should Native American tribes be treated as States? A long line of U.S. Supreme Court cases has established the principle that Native American tribes are not States. If tribes are treated as States, they would be required to pay at least 50 percent of any Superfund-financed remedial action on Indian lands and make assurances concerning both the operation and maintenance costs of any remedial action and the availability of a RCRA-sufficient disposal facility. Many tribes probably would not be a financial position to satisfy these requirements, and litigation is likely to ensue.

Should Native American tribes be treated as municipalities? Native American tribes are limited independent sovereigns; municipalities are creatures of State Governments. Therefore, Indian tribes would not be considered "municipalities." In addition, if tribes were treated as municipalities, many States might refuse to assure payment of at least 50 percent of remedial action costs on lands over which they may have no jurisdiction.

Should Native American tribes be treated as private entitites? The classification of tribes as private entities would contradict legal doctrines and could prompt criticism from both tribes and States. The U.S. Supreme Court has repeatedly held that Native American tribes have a limited sovereign status considerably higher than that of private entities.

Should Native American tribes be treated as unique. In addition to forcing Native Americans into existing categories, the Agency could exercise remedial action jurisdiction over Native American lands by treating them as unique entities, distinct from States, municipalities, private entitites or Federal facilities. For purposes of Superfund, EPA could treat Native American tribes and lands as unique entities that require case-by-case remedial action consideration or that are funded on the same basis as any other remedial site.

OPTIONS

There are four basic options for characterizing Native American tribes and lands for purpose of CERCLA.

Option 1: Take no role in remedial actions on Native American land, while providing removal, technical, investigative, and enforcement assistance.

Option 2: Treat Native Americans lands as any other entity is treated for purposes of Superfund. EPA would recognize that CERCLA makes no special provision for Native Americans lands but allow remedial funding when the Native Americans and States reach agreement on how statutorily required State assurances can be made and EPA deems such assurances adequate [as required by section 104(c)(3)]. Releases on Native American lands would be eligible, therefore, for funding for removal, technical, investigative and enforcement assistance, as well as remedial action.

Option 3: Native Americans and their lands may be characterized by one of several existing categories:

- States,
- muncipalities,
- private entities, or
- Federal facilities.

Option 4: Native Americans and their lands may be defined as "unique entities" requiring case-by-case consideration by EPA. This would require EPA to make decisions on how to treat Native American lands on a site-specific basis.

COMPARISON OF OPTIONS

1. Take no role in remedial activities on Native American land, while providing removal, technical, investigative, and enforcement assistance.

Major Advantages

- Further resolution of the statutory omission would rest with Congress.
- Fund monies would be conserved.

- DOI and the Bureau of Indian Affairs could effectively use their expertise in the intricacies of Native American law and State-tribal relationships to prompt cleanup activities on Native American lands.

Major Disadvantages

- Could effectively preclude adequate remediation at sites that involve both Indian lands and private lands.
- Agreements allocating the costs and responsibilities of cleanup may be hard to fashion because of traditional distrust among tribes, States, and DOI.
- Sites on Native American lands may not be corrected.

2. Treat Native Americans lands as any other entity is treated. EPA would recognize that CERCLA makes no provision for Native American lands but would allow remedial funding when the Native Americans and States reach agreement on how statutorily required State assurances can be made. Therefore, releases on Native American land would be eligible for funding for removal, technical, investigative and enforcement assistance, and may be eligible for remedial action if States are willing to make statutory assurances.

Major Advantages:

- Keeps as closes as is reasonably possible to statutory language, requiring States in which the releases occurs to cost-share and make other assurances.
- Recognizes that in most cases releases and their effects will not occur solely on Indian land. In many cases, migration of substances will cause a problem both on Indian land and private land. Therefore, resolution of the problem requires cooperative action by the State and Native Americans.
- Requires States and Native American to formulate agreements before EPA is involved. This avoids EPA being put in a position of acting as middleman between the two parties that must reach agreement before Fund monies can legally be used.
- Consistent with other CERCLA policies, allowing removal activities to be funded, but requiring State cost-sharing for remedial action.

Major Disadvantages

- Native American tribes and States may not be able to reach the agreement necessary to proceed with Fund-financed remedial action.
- EPA may be under pressure to take remedial actions on Indian lands when the State refuses to make necessary assurances.

3. Characterize Native American tribes and lands by one of the existing statutory categories (i.e. Federal facilities, States, municipalities, or private entities.)

Major Advantages

- CERCLA would dictate the restrictions and requirements for Superfund actions, depending upon which definition is chosen. This would provide consistency with regard to Fund-financed actions on Native American lands.
- Superfund monies could be conserved, depending upon the selected characterization.
  - -- Federal facilities. The Fund would not be used at any site, since actions would be financed by the responsible Federal agency, probably DOI.
  - -- States. Superfund monies would finance part of the necessary cleanup, with the State paying the rest.
  - -- Municipalities. As with States, the Fund would pay only part of the cleanup costs.
  - -- Private entities. Superfund might not be used at all if tribes are considered responsible for the release. If the action is Fund-financed, the State would have to pay 10 percent of the costs.

Major Disadvantages

- If treated as Federal facilities, Native American tribes in most instances will not have the money to pay for cleanup of sites on their lands.
- If treated as municipalities, States may block Superfund actions by refusing to cost-share or to provide the necessary assurances for sites on Native American lands.
- Case law does not lend consistent or convincing support to any of the existing characterizations, nor does the language of CERCLA.

4. Define Native American tribes and lands as "unique entities" for purposes of CERCLA actions.

Major Advantages

- EPA would be able to take a flexible case-by-case approach to Fund-financed action on Native American lands, taking into account individual factors such as the degree of responsibility for the facility and the particular treaties, statutes, and contracts that govern the interrelationships of the parties.

- o States would not, as a matter of course, be required to cost-share or to provide maintenance and assurances. This could speed Superfund actions.
- o Tribes would not be required to pay any pre-determined percentage of costs. Tribal cost-sharing, if required, could be based on ability to pay as well as degree of responsibility.

Major Disadvantages

- o Because Superfund actions would be performed on a case-by-case basis, tribes might complain of inconsistency in EPA's approach or unfair treatment.
- o Because Superfund might sometimes finance all actions at a site, this option could potentially use considerable Fund resources and also would be inconsistent with the construct of CERCLA.
- o Case-by-case evaluations and negotiations may be costly and difficult because of the complexities of Native American law, the frequent lack of cooperation among DOI, States and tribes, and the large number of parties involved.

RECOMMENDATION

OERR recommends Option 2.

APPROVAL:

I approve Option 1 ____________

I approve Option 2 ____________

I approve Option 3, and characterize Native American tribes as:

(1) States ____________

(2) Municipalities ____________

(3) Private entities ____________

(4) Federal facilities ____________

I approve Option 4 ____________

____
Anne M. Gorsuch

MINING WASTES

Legal Considerations

- Section 101(14)(C) of CERCLA defines hazardous substance to include "any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act," but not including RCRA substances for which regulation has been suspended by Act of Congress.
- The RCRA Amendments of 1980 suspended the regulation of "solid waste from extraction, beneficiation, and processing of ores and materials" until at least 6 months after the completion of an EPA study.
- There are two possible legal interpretations of CERCLA's jurisdiction over mining wastes or their constituents:
  - (1) Mining wastes are hazardous substances if they or their constituents are specifically included as hazardous substances in section 101(14) under statutes other than RCRA; or
  - (2) Mining wastes suspended under RCRA are not hazardous substances, even if the wastes or their constituents are hazardous substances under other section 101(14) statutes.
- The successful pursuit of CERCLA enforcement and cost recovery depends on which of the above legal positions you choose. We may not be able to enforce nor recover our costs of response if the second interpretation is adopted.

Current Policy

In June you agreed to the following policy based on information available at that time.

- Where the release involves mining wastes, EPA should investigate enforcement options under RCRA, sections 7003 and 3013, the Surface Mining Control and Reclamation Act, section 409; the emergency provisons under the Safe Drinking Water Act, section 1431; the Clean Water Act, section 504; and CERCLA, section 106 prior to taking response actions.
- Where a release involves mining waste derived from mining support activity, EPA should investigate enforcement actions under RCRA or other non-CERCLA authorities prior to initiating any Superfund response action.
- Special cases -- where a release involves solid waste from the extraction, beneficiation, and processing of phosphate rock or overburden from the mining or uranium ore which was used in construction or land reclamation, the site should fall under the radioactive materials category for listing and response purposes.

However, it now appears evident from our knowledge of Central City, Colorado and Tar Creek, Oklahoma that:

- o At Central City and some other mining sites the potential for enforcement is very low, which may lead to the necessity to take relatively response actions,
- o Given the possible legal interpretations, there may be problems recovering expended costs at sites where responsible parties have been found.

Neither of the legal interpretations are attractive. The legislative history appears to exempt mining wastes from recovery, however, in light of the severity and magnitude of the problems at these sites and the need to conserve the Fund, we recommend that you adopt the first interpretation.

Listing Recommendation

Accept the first interpretation of the mining waste exemption. List those sites involving releases of "solid waste from their extraction, beneficiation and processing of ores and minerals," if they include constituents that are hazardous substances.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 4 1982

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Options for Mining Waste Policy for Superfund

FROM: William N. Hedeman, Jr., Director Bill Hedeman
Office of Emergency and Remedial Response (WH-548)

TO: The Administrator

THRU: Rita M. Lavelle
Assistant Administrator

BACKGROUND

CERCLA's definition of hazardous substance creates uncertainty about Superfund's jurisdiction over mining wastes. Section 101(14) (C) of CERCLA defines hazardous substances to include "any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act [RCRA] (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress)." In the RCRA Amendments of 1980, Congress suspended the regulation of "solid waste from extraction, beneficiation, and processing of ores and materials." [Section 4001(b)(3)(A)(ii)] This suspension will continue until at least 6 months after EPA submits studies on these wastes to Congress. The studies are required to be submitted by October, 1983.

The primary issue raised by this definition is one of classification. The question remains whether mining wastes or their hazardous constituents can be considered "hazardous substances" for purposes of Superfund. If mining wastes are not considered hazardous substances, the Agency can still respond to their actual or threatened release if they are pollutants and contaminants that may present an imminent and substantial danger to the public health or welfare. EPA, however, cannot recover the costs of response to releases of pollutants or contaminants pursuant to CERCLA. Thus, if Fund-financed response is necessary to abate a threat posed by mining wastes, the Fund expenditures can be recovered under CERCLA authority only if the mining waste or its constituents are considered hazardous substances.

The magnitude of the mining waste problem is unclear. At least two sites on the interim priority list contain mining wastes -- Iron Mountain Mine, California and Tar Creek, Oklahoma; and a third site containing mining wastes, Mountain View Mobile Home Estates (Globe site), Arizona, may be designated by Arizona as its highest priority site. These cases are summarized below:

- o Iron Mountain Mine. For several years, copper, cadmium, zinc, iron, lead, arsenic, and aluminum have been released into the Sacramento River from the Iron Mountain Mining Complex. Estimates indicate that an average of 50 pounds per day of cadmium, 300 lbs. per day of copper, and 2,350 lbs. per day of zinc are carried into Keswick Lake. In the summer months, the contaminated water may be used by some area residents.

- o Mountain View Mobile Home Estates (Globe site). The Mountain View Mobile Home Subdivision is located on top of graded chrysolite asbestos mill tailings that were transported from the defunct Metate Asbestos Company Mill to be used as fill material for the subdivision. The residents of the subdivision are subject to continual and direct exposure to the asbestos fibers. Studies have concluded that chrysolite asbestos fibers are fibrogenic and carcinogenic.

- o Tar Creek. Tar Creek received the highest score of any site on the 115 Interim Priority Site List. It is the site of extensive mining operations that began in the early 1900s and ceased in the mid-1960s. Almost 40 square miles are presently affected by acid mine drainage from former lead and zinc mines. Contamination of surface water and groundwater has occurred with the potential for contamination of a major acquifer (Roubideaux limestone) located below the former mine shafts.

The RCRA mining waste exclusion only applies to "solid waste from the extraction, beneficiation, and processing of ores and minerals." Under RCRA, solid waste does not include source, byproduct, or special nuclear material. This is important to note because EPA is currently involved in negotiations for private party cleanup at two sites on the Interim Priority List (the United Nuclear Site and the Homestake Mining Site, both in New Mexico). While these sites involve mining operations, the resulting contamination is not a mining waste subject to the RCRA exclusion because it consists of byproduct material. Therefore, we can respond to these sites and recover our costs from the responsible party irrespective of your decision on mining waste policy.

There are two interpretations of Superfund's jurisdiction over mining wastes or their constituents. The broad interpretation would permit mining wastes to be considered hazardous substances in some instances; the restrictive interpretation would generally allow response to mining wastes only as pollutants or contaminants.

The broad interpretation defines mining wastes as hazardous substances if they or their constituents are specifically included as hazardous substances in §101(14)[1] under statutes other than RCRA. Several arguments can be made to support this interpretation. First, the placement of the parenthetical in Section 101(14)(C) suggests that its purpose is merely to restrict the number of wastes that are to be considered hazardous substances under RCRA. In addition, the last sentence of Section 101 (14) specifically exempts certain substances (certain energy products) from the overall CERCLA definition of hazardous substances. Congress could have included the suspended mining wastes specifically in this last sentence of Section 101(14) if its intention had been to exclude these wastes from the overall definition of hazardous substances. Finally, the 1980 amendments to RCRA, Section 3001(b)(3)(A)(ii), state that mining wastes are excluded only from RCRA Subtitle C regulation and are subject to "regulation under other applicable provisions of Federal or State law."

It could be argued that Fund monies should not be used to clean up releases of substances not subject to the Superfund tax; the tax is levied against products of the oil and chemical industries, not the mining industry. The Fund, however, is not constituted solely by taxes on chemical and oil industry products. Furthermore, the response authority of CERCLA Section 104 refers to releases of hazardous substances and certain pollutants or contaminants; Fund-financed response is not limited to releases of hazardous substances subject to the tax.

Under the broad interpretation, attempts to recover costs or enforce against parties responsible for mining waste sites may result in litigation to test the validity of the interpretation. If the interpretation is upheld, however, EPA will be able to respond to releases of mining wastes or their constituents and recover the costs of the response, thereby conserving the Fund's resources. Once EPA's ability to recover costs is established, owners of sites with mining wastes may be motivated to voluntarily clean up their releases or to take preventive measures against such releases.

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[1]/101(14): "hazardous substance" means (A) any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of this Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

Applying this interpretation to the Iron Mountain, Mountain View (Globe site), and Tar Creek cases, the substances involved at those sites are listed as hazardous under the Clean Water Act (Sections 311 and 307) and Clean Air Act (Section 112), respectively. Section 101(14) of CERCLA includes these statutory provisions in defining "hazardous substances." Under the broad interpretation, therefore, liability under CERCLA Section 107 exists for the unauthorized release of such substances. EPA may therefore initiate cleanup actions at these sites and seek cost recovery for cleanup activities.

The restrictive interpretation excludes mining wastes from the definition of hazardous substance under most circumstances. Proponents of this interpretation argue that to allow mining wastes and their constituents to be included as hazardous substances by virtue of their coverage under other statutes referenced in Section 101(14) would make the inclusion of the parenthetical in Section 101(14)(C) meaningless; almost all mining wastes contain hazardous constituents that are already designated as hazardous substances under other Section 101(14) statutes. In addition, Senator Bentsen, who inserted the parenthetical language of Section 101(14)(C), stated that his intention was to apply to CERCLA the Congressional suspension of regulation of certain wastes under RCRA. The Committee Report on the Senate version of CERCLA (S. 1480, S. Rep. No. 96-848, 96th Congress, 2nd Session) reinforces Senator Bentsen's view by stating that a waste whose regulation under RCRA was suspended by Congress may not be considered a hazardous substance under CERCLA, "notwithstanding the presence in such substance of any hazardous or toxic chemical."

It should be noted that special provisions apply to radioactive wastes. First, RCRA (and thus the suspension) does not apply to source, special nuclear, and byproduct material. Second, the suspension does not apply to radiation exposure presenting "an unreasonable risk to human health" from the use of the following in construction or land reclamation:

- solid waste from the extraction, beneficiation, and processing of phosphate rock; and

- overburden from the mining of uranium ore.

(See RCRA Section 3001(B)(3)(C)(iii).) These two kinds of substances in the situations noted would still be subject to the provisions of Subtitle C of RCRA and included in the definition of "hazardous substance" under CERCLA Section 101(14)(C).

The restrictive interpretation precludes both enforcement and cost recovery under Superfund for responses to problems caused by mining wastes. EPA response to many releases of mining wastes would deplete Fund resources, but failure to respond to mining waste releases could provoke negative public reactions. Fund-financed response and enforcement, however, could be taken in two limited situations:

- a release involving an inseparable mixture of mining wastes and other designated hazardous substances; and
- a release involving a hazardous substance not unique to the mining process (e.g., a hazardous substance from some support activity and not directly a part of the extraction or processing activities), but present at the site.

Applying the restrictive interpretation to the three sites currently on the Priority List, EPA could not recover the costs of remedial action at those sites.

OPTIONS

Following are three options for handling the mining waste issue. The options are not all mutually exclusive.

Option 1. Do not respond to any mining waste sites.

Option 2. Do not develop a generic mining waste policy. List on the National Priority List, mining sites that pose a significant problem. At these sites the Agency will first use RCRA §7003 and CERCLA §106 enforcement authorities. Potential responsible parties have been identifed at both the Iron Mountain and Globe sites; responses to notice letters have been received for the Iron Mountain site. Negotiations with potentially responsible parties will be vigorously pursued. The Agency will use CERCLA monies only after exhausting all possible enforcement activities.

Option 3. Adopt the restrictive interpretation and formulate a policy of spending no Fund money or bringing any enforcement action in response to mining waste sites, except in those instances where there is commingling with hazardous substances or the response is for hazardous substances not unique to the mining operations.

Under either of the last two options, the Agency would respond only after thoroughly investigating enforcement options under RCRA Section 3013, Surface Mining Control and Reclamation Act of 1977 Section 409, and emergency provisions under Safe Drinking Water Act Section 1431 and Clean Water Act Section 504. (See Attachment I for a description of these statutory provisions.)

Comparison of Options

1. Do not respond to mining waste sites.

Major advantages:

- Non-action conserves the Fund by avoiding costs that may not be recovered.
- Non-action avoids law suits by releasers and potentially lengthy court battles over interpretation of Section 101(14)(C).

Major disadvantages:

- EPA non-action may draw negative public reaction if there are sites where mining wastes are posing an imminent and substantial danger to public health or welfare.
- Site owners have no incentive under Superfund to take corrective action at the site.
- Health and environmental problems would not be addressed.

2. First proceed with vigorous enforcement activity under RCRA §7003 and CERCLA §106 and then provide limited response to serious mining waste sites where enforcement efforts fail.

Major advantages:

- Emphasizes Agency approach to first use existing enforcement activities to resolve hazardous waste problems.
- The mining waste issue will not remain unresolved -- either through acquiescence on the part of the regulated community or through court challenge.
- Ability to respond to serious public health problems.
- Permits the Agency to list mining waste sites on the priority list; this encourages our enforcement efforts.

- Avoids negative public reaction to EPA non-action at mining waste sites endangering public health, welfare, or the environment.
- Gives the Agency flexibility in dealing with mining waste sites.

Major disadvantages:

- By taking response actions, EPA runs the risk of incurring non-recoverable expenses.
- Adopting this policy may result in litigation costs that otherwise would be avoided.
- Further CERCLA funded response to Tar Creek would be deferred until all enforcement activities are exhausted.

3. Respond in two limited situations.

Major advantages:

- Some Fund-financed response will be provided at problem sites if relief cannot be secured under other authority.
- Avoid Fund expenditures in some situations where cost recovery may not be permitted.

Major disadvantages:

- Because response is limited, the problem at a site may not be fully or finally resolved.
- Mining waste sites with serious health problems or otherwise posing imminent and substantial danger will not necessarily be addressed by Superfund.
- Inconsistent with the Agency's Tar Creek response.
- EPA limited action may result in a negative public reaction, particularly at those sites already identified on the Priority List.

- OERR recommends Option 2 because it provides the Agency with maximum flexibility and it is consistent with the language and intent of CERCLA. In addition, Option 2 encourages the use of RCRA and CERCLA enforcement authorities prior to the expenditure of CERCLA monies.

DECISION:

I approve Option 1. ________
2. ________
3. ________

DATE ________________
Anne M. Gorsuch

ATTACHMENT I

Potential response and enforcement options applicable to cases involving mining waste fall under the following statutory provisions:

- Resource Conservation and Recovery Act (Section 3013)

  Section 3013 of RCRA provides that, upon receipt of information that a release of any hazardous waste which may present a substantial hazard to human health or the environment, EPA may require the owner or operator of the facility or site to conduct necessary monitoring, testing, analysis, and reporting. If such actions are not carried out by the owner/operator, or if conducted unsatisfactorily, EPA may conduct, or authorize state or local authorities to conduct necessary monitoring, testing, or analysis and may require the owner/operator to reimburse EPA or other authority or person for the costs of such activities. Where mining wastes are concerned, however, the applications of this provision are limited to certain situations involving phosphate and uranium.

- Surface Mining Control and Reclamation Act of 1977 (SMCRA) (Section 409)

  The Surface Mining Control and Reclamation Act of 1977 creates a trust fund for the reclamation and restoration of land and water resources adversely affected by past coal mining. Section 409 of SMCRA expands the potential use of the fund, stating that after all reclamation is complete with respect to abandoned coal mines within the state, the fund can be used (if requested by the state) for limited reclamation activities (filling voids, sealing tunnels, shafts and entry ways) from other previous mining operations.

- Resource Conservation and Recovery Act (Section 7003)

  Notwithstanding any other provisions of RCRA, Section 7003 provides that EPA may bring suit to immediately restrain any person from contributing to the handling, storage, treatment, transportation, or disposal of any solid waste or hazardous waste which may present an imminent and substantial endangerment to health or the environment.

- Safe Drinking Water Act

  Section 1431 of SDWA provides that EPA may take such action as deemed necessary to protect the health of persons, if:

  (1) EPA receives information that a contaminant may enter a public water system (a system that has at least fifteen service connections or that regularly serves at least 25 individuals);

ATTACHMENT I
(continued)

(2) that such contamination may present an imminent and substantial endangerment to the health of persons; and

(3) state and local authorities have not acted.

This section, however, has never been used for cleanup.

- Clean Water Act (CWA) (Section 504)

  Notwithstanding any other provisions of the CWA, Section 504 provides that, upon receipt of evidence that a pollution source or combination of sources is presenting an imminent and substantial endangerment to the health of persons or to the welfare of persons where such endangerment is to the livelihood of such persons, EPA may bring suit to immediately restrain any person causing or contributing to such pollution.

FEDERAL FACILITIES

Legal Considerations

- CERCLA prohibits taking Superfund-financed remedial actions on Federally-owned facilities (section 111(e)(3)).
- CERCLA does not prohibit taking the following kinds of activities at Federally-owned facilities: natural resource assessment and restoration; enforcement; epidemiologic studies; provision of equipment or supplies; and provision of information (section 111(c)).

Current Policy

- Where contamination comes solely from a Federal-facility and is contained within the boundaries of the facility, the Federal owner is responsible for the release and for the remedial response action.
- Where contamination comes solely from the Federal facility and there is off-site contamination, the Federal owner is responsible for the release and for the remedial response action.
- Where the source of the contamination near a Federal facility is unclear or the Federal Government may be one of several responsible parties, additional investigation via Superfund-financed action may be warranted. The responsible Federal agency will reimburse the Fund for its share of response action.

Listing Recommendations

- Do not list Federal facilities limited to on-site contamination.
- List only those Federal facilities where the extent of off-site contamination is unclear or the Federal Government may be one of several responsible parties. (14 sites are currently candidates)

States should be given the opportunity to review and comment on any EPA additions. The State should inform the Regional Administrator of any reason why a site added by EPA should not be included on the list. In any event, Regional Administrators shall make the final decision as to whether a site in this category should be submitted for inclusion on the list.

Enforcement Considerations

In general, enforcement activity, either active or pending litigation or negotiations with responsible parties, is not relevant to candidate selection, investigations, and scoring. Sites which are subject to Federal or State enforcement action should be scored and submitted for the priorities list. Only sites where cleanup by private parties has been completed are to be excluded from the list.

Federal Facilities

Where it is determined from available data that active Federal facilities are the source of contamination (either inside or outside the facility) then these facilities should not be included as candidates for the National Priorities List. If contaminants are discovered in areas outside a Federal facility and available data is not adequate to determine the source, then that area is a candidate for the National Priorities List, even if the suspected source is a Federal facility.

Where a site outside a facility has been listed and EPA, in consultation with the state, subsequently determines that site investigation or other available data indicates that the Federal facility is responsible for the release, then the site may be deleted from the National Priority List. The responsibility for clean up of these sites rests with the responsible Federal agency.

To help insure that these sites get cleaned up in a timely and efficient manner EPA is pursuing the development of memoranda of understanding with appropriate agencies to establish procedures to determine responsibilities and conditions for clean up. In addition, EPA will work with affected agencies under the requirements and procedures of OMB Circular A-106 to support agency budget requests to respond to these problems.

INVESTIGATION AND DATA COLLECTION

The data required by the Hazard Ranking System (HRS) represent the minimum amount of information acceptable for characterizing a site for inclusion on the priorities list.

RADIOACTIVE MATERIALS

Legal Considerations

- Excluded from CERCLA authority are sites involving a release of source, by-product, or special nuclear material from a nuclear incident, where the release is subject to the financial protection requirements under section 170 of the Atomic Energy Act of 1954 (AEA).

- CERCLA excludes from its authority any sites designated under section 102(a)(1) and 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA)(only 25 designated sites).

- There is no legal prohibition against a CERCLA response at the following:

    - Sites with currently valid materials license through the Nuclear Regulatory Commission (NRC), but which are not now subject to financial protection requirements under section 170 of AEA.

    - Sites with currently valid license issued by an "agreement state."

    - Sites with previously held license, but license is no longer valid.

Current Policy

- Where site holds currently valid license from the NRC, the NRC has legal authority to resolve problems with the site.

- Where site holds currently valid license from an agreement state, the state may have the authority to resolve problems with the site; this authority varies state-by-state. NCR appears to have no authority over site.

- Where site held license, but license is not longer valid, authority for the site is questionable and Superfund-financed action may be warranted.

Listing Recommendations

1. Do not list sites that hold a currently valid license from the NRC. (2 sites)

2. List sites holding currently valid "agreement state" licenses. (5 sites)

3. List sites which held a previous license through NRC or the State, but license no longer valid. (1 site)

4. List sites where there is a release of radioactive matrials, but where no license is in effect or was held in the past. (11 sites)

enforcement actions do not appear promising. Priorities for funding within this group will be based upon risks to public health and the environment, as measured by the Hazard Ranking System scores and other available information, and on a case-by-case evaluation of economic, engineering, and environmental considerations.

CANDIDATE SELECTION

As discussed in the guidance memoranda of July 2, 1981, and February 2, 1982, the judgments of State and Regional office staff provide the primary basis for including sites on the National Priorities List. Selection criteria should include the apparent seriousness of the threat to public health, welfare, or sensitive environmental areas. A decision-tree type screening approach is being sent to the EPA Regions and may be useful for candidate selection. All types of releases of hazardous substances or pollutants or contaminants, and all types of facilities may be considered for the list except those specifically excluded under CERCLA. Note that both releases from active facilities (other than RCRA interim status sites) and "atypical" releases, such as toxic sediments in rivers, are specifically addressed in the CERCLA legislative history and may be included in the NPL where appropriate. Releases of hazardous substances or pollutants or contaminants from mining facilities may be submitted for inclusion on the list. Once such mining sites are listed, EPA will expend Superfund resources, where necessary, to investigate the problem and determine responsible parties. EPA will pursue responsible parties under all available enforcement authorities for these facilities. EPA will consider fund-financed cleanup for these sites only after all available enforcements efforts fail.

Radioactive facilities that are not currently licensed by the Nuclear Regulatory Commission (NRC) can be candidates for the list. Radioactive releases from NRC licensed facilities and facilities listed under the Uranium Mill Tailing Radiation Control Act are not eligible to be candidates.

Regional/State Concurrence

Although the selection of sites for consideration is primarily the role of the States, the EPA Regional Offices have the responsibility of adding sites to the list where appropriate. The Regions are responsible for conducting any additional investigations needed to score these sites. The possibility exists that EPA and the State may not agree on a site listing.

RCRA SITES

Legal Considerations

- There is no statutory prohibition against CERCLA response at RCRA facilities.
- Cleanup of certain releases may be accomplished directly under RCRA; other remedies would have to be pursued via RCRA enforcement or under CERCLA.
  - RCRA regulations require some emergency preparedness and cleanup activities by owners or operators.
  - RCRA interim land disposal regulations require ground water monitoring and corrective action when concentration levels are exceeded for plumes within facility property boundaries.
- Releases in compliance with a legally enforceable final permit issued under section 3005 of RCRA are "Federally permitted releases" and exempt from liability under CERCLA (Note: To date only a few final permits have been issued under this section.)
- RCRA regulations use certain terms of art to define the Act's jurisdiction. The terms, however, have different meanings for land disposal than for treatment and storage operations at RCRA facilities.

Policy Considerations

- Superfund is intended to supplement existing environmental laws, including RCRA.
- The relative effectiveness of cleanup under Superfund and RCRA may differ.
- In some circumstances (i.e. when there is not an identity between the RCRA facility and the Superfund site) RCRA enforcement authorities may not resolve the problem.
- All RCRA facilities were active on November 19, 1980. Superfund might apply to facility operations that were inactive prior to that date.

Listing Recommendations:

(1) List Superfund sites involving an inactive interim status RCRA facility. (11 sites)

(2) Do not list those Superfund sites that have identical boundaries to the active part of RCRA facilities. (4 sites)

(3) List Superfund sites which are adjacent to or part of an active RCRA facility. (18 sites)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

[illegible]

MEMORANDUM

SUBJECT: Guidance for Establishing the National Priorities List

FROM: William N. Hedeman, Jr., Director Bill Hedeman
Office of Emergency and Remedial Response

TO: Superfund Coordinators
Regions I-X

The purpose of this guidance is to establish the procedures for implementing the National Priorities List mandated in Section 105(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Specifically, this memorandum addresses the overall Agency strategy for developing and presenting the list, including selection of candidates, data collection, application of the Hazard Ranking System, procedures for submitting candidate sites and the verification or quality assurance/control procedures. The States and EPA Regional Offices should also consult the National Contingency Plan (NCP) and other documents referenced in this memo for additional guidance.

OBJECTIVES

CERCLA states that the National Priorities List is to be developed for the purpose of taking response actions. The legislative history states:

> The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgement of the activities

> of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards. (Senate Report No. 96-848, July 13, 1980, p. 59)

Translating the purpose stated in the legislative history into an action plan, the Agency will develop a list that, as nearly as is practical, presents to the public information on the 400 or more highest risk releases. Those 400 sites become candidates for action by the Agency. Many will be cleaned up by responsible parties, some may be targets for enforcement, and at others EPA or the States may take removal or remedial actions, as appropriate. In some cases, Federally funded remedial actions may not be conducted under CERCLA at a particular site, either because a state is unable/unwilling to cost share, or because the cost balancing provisions of the trust fund would preclude federal response. Decisions on the type and extent of action to be taken at many of these sites will be made after establishment of the priorities list.

IMPLEMENTATION STRATEGY

Developing the priorities list will require close cooperation among EPA Headquarters and the Regions and the State agencies involved. This section describes the flow of activities essential to developing the list, the responsibilities and roles of the organizations involved, and how the priorities list will be managed, used, and updated.

Management Plan

The accompanying diagram on page 3 summarizes the flow of activities necessary to establish the National Priorities List and indicates which organization has lead responsibility for each activity. Many of those activities, such as candidate identification, are ongoing and have been addressed in previous guidance documents. The sequence of activities will be identification of candidates, mostly done by the States, followed by investigation, scoring, formal submissions by the States to the Regions and by Regions to Headquarters. The list will be compiled and proposed in the Federal Register for comment and then published final, taking into account those comments. The Regions will be responsible for conducting a quality control program and Headquarters will conduct audit or quality assurance on the submissions to ensure accuracy and consistency. Further definition of the roles and responsibilities are given below. The

MANAGEMENT PLAN FOR NATIONAL PRIORITIES LIST

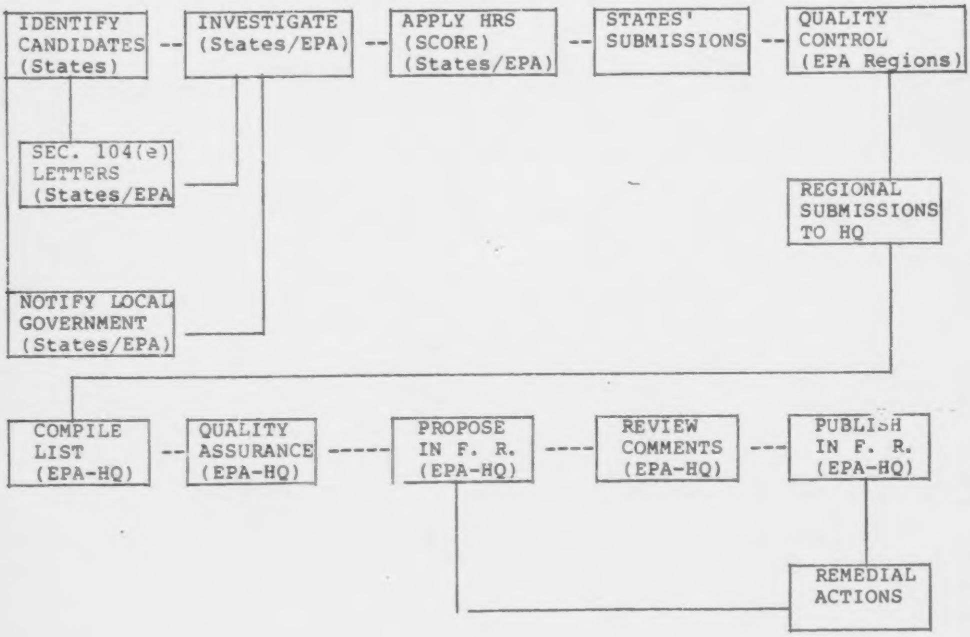
IDENTIFY CANDIDATES (States)
INVESTIGATE (States/EPA)
APPLY HRS (SCORE) (States/EPA)
STATES' SUBMISSIONS
QUALITY CONTROL (EPA Regions)
SEC. 104(e) LETTERS (States/EPA
NOTIFY LOCAL GOVERNMENT (States/EPA)
REGIONAL SUBMISSIONS TO HQ
COMPILE LIST (EPA-HQ)
QUALITY ASSURANCE (EPA-HQ)
PROPOSE IN F. R. (EPA-HQ)
REVIEW COMMENTS (EPA-HQ)
PUBLISH IN F. R. (EPA-HQ)
REMEDIAL ACTIONS

diagram should not be interpreted to mean that each activity must be completed for all sites before the next activity is initiated. For example, it is not necessary to complete all investigations at all sites before scoring those where adequate data has been collected. Likewise, in order to expedite the process, Quality Assurance (QA) may begin as soon as Headquarters can obtain a list of site names and scores, even if Regional quality control has not been completed. Also, since updating the list is an ongoing activity, candidate identification and investigations should continue even after most sites have been submitted for the list.

Roles of the States, Regions and Headquarters

Establishing the National Priorities List will require close cooperation among all offices and agencies involved. The major responsibilities for the States, Regions, and Headquarters are given below:

The primary responsibility for the nomination of sites and the scoring of sites using the HRS rests with the States. Included in this function is the requirement that adequate documentation supporting the site score be provided to EPA. The Regional offices are responsible for providing technical assistance to the states for site scoring activities to assure a consistent approach in applying the HRS, managing FIT resources effectively, and performing initial quality control reviews. The Regions are also responsible for providing full information to OSWER pertaining to negotiations with responsible parties.

EPA Headquarters is responsible for providing overall guidance for the site scoring and ranking process along with performing final quality assurance reviews. Specifically, OERR is charged with promptly resolving any questions pertaining to application of the HRS or development of the list and ensuring that any such determinations are promptly conveyed to all the Regions.

Public Involvement

The key to public participation in the priorities list development will be a proposal of a list of 400 sites, based on HRS scores. Our goal is to publish such a list in October, 1982. Public comments will be received by Headquarters and then distributed among the Regions and States for consideration. The Regions and States will be given the opportunity to modify HRS scores based on this information. In addition, the Regions and States should establish approaches for investigation of any new sites submitted by the public for consideration as additions to the list.

States will not be required to hold public hearings as a prerequisite to submitting sites for the National Priorities List. However, EPA does encourage the States to actively involve the public in the priorities list process, through public meetings or any other approach the State might select.

The States or the Regions working with the States are also encouraged to send letters as early as possible to local governments in those jurisdictions where candidate sites are located. This will provide a mechanism for allowing local governments to participate in providing information on candidate sites. Since much of the information used to score sites is most readily available in local government files, these letters will provide a vehicle for eliciting cooperation and assistance at the local level.

Updating the List

CERCLA requires that the National Priorities List be updated periodically, and we plan to do this on a quarterly basis. When the list is updated, EPA will add new sites that become eligible on the basis of score and will remove sites based on criteria given in a following section. Scores will not be revised to reflect partially completed cleanup actions. However, scores may be revised to reflect data not available previously.

Updating the list quarterly will have a substantial impact on how the project is managed. When the interim list was developed, a firm deadline for formal submission of information was established, and sites submitted after that date were excluded from further consideration. Now, rather than establishing a single deadline, Headquarters will communicate closing dates for each update. Thus, where particularly complex problems require lengthy investigations, Regions may defer submission of sites. However, it is important for all organizations involved to understand that most of the sites must be scored and submitted by August 13, 1982.

Presenting the List

Many interested parties have expressed concerns regarding how the list is presented to the public. In response to comments, we have decided to present as part of the National Priorities List, the status of any actions ongoing or planned by EPA and the States. Facilities will be classified according to the following categories (some sites will fit more than one category):

- Privately funded cleanup
- Response status
    - Emergency response
    - Remedial investigation

    - Feasibility study
    - Design of remedy
    - Construction

- Enforcement Status (Federal or State)
    - Negotiations with responsible parties underway
    - Case filed
    - Administrative action

- Prospective actions to be determined

If the State has met the requirements prerequisite to funding remedial actions at a site, the list will make note of that.

Removing Sites from the List

Sites may be removed from the National Priorities List where one of the following conditions has been met:

- EPA in consultation with the State has determined that responsible parties have completed cleanup such that no publicly funded response actions will be required.

- EPA has determined that no further cost-effective response actions can be taken at the site.

- EPA has determined based on a feasibility study that no remedial actions should be undertaken at the site. EPA will consider the nature and severity of the problems, potential costs of cleanup, and available funds in making such decisions.

When a Regional Office has determined that any of the conditions has been satisfied, the Regional Administrator should forward a memo to the Director, OERR. Documentation supporting the decision should also be sent to OERR. Sites will be removed from the priorities lists by publishing notice in the *Federal Register* at the time of the next quarterly update naming the site and the reasons for its removal. If any of the sites on the Interim Priorities List meet the above criteria, the agency will give notice of their removal from the list when the National Priority List is proposed.

How the List will be Used

All sites on the list will be treated as candidates eligible for response and/or enforcement. (It should be noted that exclusion from the list does not preclude enforcement actions under the authority of CERCLA.) The sites that will receive the highest priority for response funding will be those where the State has provided cost-sharing and other assurances and where enforcement actions do not appear promising. Priorities for funding within this group will be based upon risks to public health and the environment, as measured by the Hazard Ranking System scores and other available information, and on a case-by-case evaluation of economic, engineering, and environmental considerations.

CANDIDATE SELECTION

As discussed in the guidance memoranda of July 2, 1981, and February 2, 1982, the judgments of State and Regional office staff provide the primary basis for including sites on the National Priorities List. Selection criteria should include the apparent seriousness of the threat to public health, welfare, or sensitive environmental areas. A decision-tree type screening approach is being sent to the EPA Regions and may be useful for candidate selection. All types of releases of hazardous substances or pollutants or contaminants, and all types of facilities may be considered for the list except those specifically excluded under CERCLA. Note that both releases from active facilities (other than RCRA interim status sites) and "atypical" releases, such as toxic sediments in rivers, are specifically addressed in the CERCLA legislative history and may be included in the NPL where appropriate. Releases of hazardous substances or pollutants or contaminants from mining facilities may be submitted for inclusion on the list. Once such mining sites are listed, EPA will expend Superfund resources, where necessary, to investigate the problem and determine responsible parties. EPA will pursue responsible parties under all available enforcement authorities for these facilities. EPA will consider fund-financed cleanup for these sites only after all available enforcements efforts fail.

Radioactive facilities that are not currently licensed by the Nuclear Regulatory Commission (NRC) can be candidates for the list. Radioactive releases from NRC licensed facilities and facilities listed under the Uranium Mill Tailing Radiation Control Act are not eligible to be candidates.

Regional/State Concurrence

Although the selection of sites for consideration is primarily the role of the States, the EPA Regional Offices have the responsibility of adding sites to the list where appropriate. The Regions are responsible for conducting any additional investigations needed to score these sites. The possibility exists that EPA and the State may not agree on a site listing.

States should be given the opportunity to review and comment on any EPA additions. The State should inform the Regional Administrator of any reason why a site added by EPA should not be included on the list. In any event, Regional Administrators shall make the final decision as to whether a site in this category should be submitted for inclusion on the list.

Enforcement Considerations

In general, enforcement activity, either active or pending litigation or negotiations with responsible parties, is not relevant to candidate selection, investigations, and scoring. Sites which are subject to Federal or State enforcement action should be scored and submitted for the priorities list. Only sites where cleanup by private parties has been completed are to be excluded from the list.

Federal Facilities

Where it is determined from available data that active Federal facilities are the source of contamination (either inside or outside the facility) then these facilities should not be included as candidates for the National Priorities List. If contaminants are discovered in areas outside a Federal facility and available data is not adequate to determine the source, then that area is a candidate for the National Priorities List, even if the suspected source is a Federal facility.

Where a site outside a facility has been listed and EPA, in consultation with the state, subsequently determines that site investigation or other available data indicates that the Federal facility is responsible for the release, then the site may be deleted from the National Priority List. The responsibility for clean up of these sites rests with the responsible Federal agency.

To help insure that these sites get cleaned up in a timely and efficient manner EPA is pursuing the development of memoranda of understanding with appropriate agencies to establish procedures to determine responsibilities and conditions for clean up. In addition, EPA will work with affected agencies under the requirements and procedures of OMB Circular A-106 to support agency budget requests to respond to these problems.

INVESTIGATION AND DATA COLLECTION

The data required by the Hazard Ranking System (HRS) represent the minimum amount of information acceptable for characterizing a site for inclusion on the priorities list.

Consequently, if critical information required by the HRS is unavailable or does not exist, that site has not been adequately investigated, and the site should not be included until the required data are available.

This should not be interpreted to mean that every pathway needs to be fully documented and scored in order to submit every site. In many cases, only one or two pathways may present significant risks to health or the environment. In such cases, the Regions and States should use discretion in expending resources to develop data solely to score additional pathways. As discussed in the February 2, 1982, guidance memorandum, the Regions and States should develop a plan for site investigations aimed at satisfying the data requirements at each site for those pathways which present significant hazards.

Questions occasionally arise regarding the quality or amount of investigative work needed to adequately score a factor in the HRS. Since conditions vary so greatly, EPA does not consider it feasible to specify appropriate data sources or investigative activities relevant to each factor. However, examples of typical activities for data collection are given in "Methodology and Estimated Costs for Hazard Ranking System Data Collection", available in the Regional Offices. In the end, staff must exercise good judgment to determine whether the data adequately support the assigned scores.

Letters to Responsible Parties

Section 104(e)(1) of CERCLA authorizes the Agency and the States to request information from responsible parties to assist in determining the need for response actions. Henceforth it will be standard procedure to send such a letter to any readily identifiable potentially responsible parties who might have information relevant to establishing priorities. While the States and Regions may exercise discretion in applying this policy, you are urged to send letters unless there is good reason not to (i.e., it would interfere with surveillance activities, potentially responsible parties have not been identified, or known responsible parties would have no information on site conditions). This policy does not mean that intensive research to discover all potentially liable parties is required before site investigation and scoring (see the following section). These letters are not to be confused with notice letters sent to responsible parties prior to taking response actions.

Responsible Party Searches

In order to avoid delays in responding to releases at sites included on the National Priorities List, responsible party searches should begin as soon as the Region becomes aware that a site is likely to be included on the proposed list. In general, the Regions should be able to identify many likely candidates even before scores are reported to Headquarters, and you should begin responsible party searches for the highest scoring sites at the earliest possible dates. The goal is to promptly send notice letters for appropriate sites after the list is proposed.

APPLYING HRS CRITERIA (SCORING)

Hazard Ranking System scores calculated using the June 1982 version will form the basis for the National Priorities List. Regional and State personnel should objectively evaluate sites, applying the HRS using the best available information. If questions on interpretation of instructions should arise, you should direct them to the quality assurance contact for your Region (these will be designated later).

Impact of Removal/Remedial Activities on the Scoring Process

In general, completed removal activities, on-going remedial actions, or completed partial remedial actions should not be considered in scoring of the three major HRS pathways: groundwater, surface water, and air. Rather, the site should be scored as it was before any of the above activities started. This approach is being taken to avoid creating disincentives for early response by public agencies and to allow EPA to evaluate the need for a more complete response where the private sector has initiated action.

Noncontiguous Facilities

Section 104 of CERCLA authorizes the treatment of two or more facilities as a single facility for the purpose of carrying out response actions. Where it is cost-effective to do so, the Agency will consolidate remedial activities at two or more sites located in the same geographical area. However, when evaluating and scoring noncontiguous sites for the priorities list, each site or facility must be scored separately. In a few unusual situations it may not be possible to score each site individually, and exceptions to the above approach will be considered on a case-by-case basis.

Scoring Sites on the Interim Priorities List

The States and Regions should rescore all the sites on the interim priorities list using the revised HRS except those sites which are to be removed from the Interim List as discussed earlier. This will allow inclusion of any additional data obtained for interim list sites and will allow comparison of scores among the older and newer sites. Drastic reductions in score due to changes in the HRS are not expected. If a major change occurs and is verified by quality control and quality assurance efforts, then placement on the National Priority List would be based on the new score.

Fire and Explosion/Direct Contact Pathways

Although the scores for the fire and explosion and direct contact pathways are not factored into the HRS overall rating, the Regions and States should thoroughly document threats posed by these pathways where applicable. These subscores are valuable in determining the need for immediate removal and planned removal activities. If a site does have a relatively high score for one of these pathways, you should make sure that the Regional Oil and Hazardous Materials Coordinator is informed of that fact. For these two pathways, removal activities already implemented, such as fencing or drum removal, should be considered in scoring.

Continuing NPL Updates

In light of the Agency's plan to update the National Priority List on a quarterly basis, site scoring and ranking will become on-going activities to take into account newly discovered releases of hazardous substances. Data not available at the first publication of the list will be used for subsequent revisions. Nevertheless, it is important that the Regions and the States make every effort to complete as much investigative work as possible by July 30, 1982, in time for development of the initial National List.

SUBMISSION OF PRIORITIES LISTS

Establishing a National Priorities List of at least 400 sites will require timely submission of information by the Regions and States. Based on experience with the interim list, our decision process for the priorities list will be subjected to careful scrutiny; therefore, we will have to maintain careful records of the decisions made. Some of that documentation will have to be a part of the submissions from States to Regions and from Regions to Headquarters. The following sections outline the timing and content of the submissions and documentation.

States' Priorities Lists

Section 105(8)(B) of CERCLA requires the States to submit priorities lists to the Federal government annually. States may fully meet that requirement by calculating HRS scores and furnishing them, along with the worksheets, to the appropriate Regional office. Each Region should establish appropriate deadlines with the States so that the Region may report the scores to Headquarters in a timely manner.

CERCLA also provides for the designation of top priority sites by the States, with each top priority to be included in the top 100 sites on the National Priorities List. The previous guidance document of June 11, 1982, regarding "Extended Eligibility for Sites Not Included on the Interim Priorities List" addresses the process and content of those submissions. Note that CERCLA requires that the State designate the top priority site as "the facility designated by the State as presenting the greatest danger to public health or welfare of the environment among the known facilities in such State".

Regional Submissions

In order to allow early selection of sites for quality assurance, we are requesting that the Regions submit site names and scores (all pathways and total) to Headquarters by August 13, 1982. You may do this by telephone. The remainder of the package described below may be submitted later.

Standardizing the format and content of submissions for the National Priorities List is the most efficient approach for all parties involved. The list below identifies the minimum information needed on each site to carry out Headquarters' responsibilities:

1. a completed set of HRS scoring forms;
2. documentation records;
3. completed and current EPA Form 2070 series-(Inspection);
4. a short (up to one page) summary suitable for use in a press release;
5. one or more representative photographs of the site, if available;
6. a summary of past or prospective response activities and plans
7. a summary of past and prospective Federal and State enforcement actions (see special requirements for submitting enforcement-sensitive information).

Items (1)-(3) above should be submitted no later than August 30, 1982, for inclusion in the first proposed National Priorities List. However, items (4)-(7) may be submitted as late as September 17, 1982, and you may omit those sites unlikely to be included on the National Priority List.

Enforcement-sensitive and other confidential information should be included in the submitted information package as separate pages. These pages should be clearly marked as "CONFIDENTIAL" so that EPA HQ and the EPA regions can readily separate them from information that must be available to the public. States and Regions are advised that not all enforcement-related information is considered to be confidential. In general, site descriptions, monitoring data, and concluded enforcement actions are not confidential. Only information about ongoing and prospective enforcement actions and strategies is confidential and should be marked as such. If questions arise about the confidential nature of information, the Regional Counsel should be consulted.

QUALITY ASSURANCE IN THE APPLICATION OF THE HAZARD RANKING SYSTEM

Quality assurance is an essential aspect of the development of the priorities list , a means of ensuring that Superfund response funds are appropriately and fairly assigned. Since HRS scores and documentation will be subjected to scrutiny by various interested parties, there is further motivation for ensuring that the work is consistent and verifiable. The approach to QA for scoring sites will consist of the following major elements:

- HRS training;
- Interpretation of HRS and answering questions;
- Quality Control (QC) check;
- Quality Assurance audit.

HRS Training

HRS training will be made available to the States and EPA Regions by OERR. The major purposes of the training are to:

- Encourage consistent application of the HRS in all Regions and States;
- Present recent revisions to the HRS;
- Present requirements for acquisition and submission of information;
- Acquaint HRS users with the EPA representative who will later be available to answer questions and interpret the HRS.

Training sessions will also present an opportunity for users to work alongside the QA personnel in actually scoring some sites to be submitted. The Field Investigation Team (FIT) and HRS contractors will conduct the training with EPA staff also participating in some cases. EPA Regions are requested to submit to OERR as soon as possible, a list of States and corresponding numbers of personnel to be trained along with information on Regional needs so we can schedule the locations and dates of training sessions. At least one training session is anticipated for each Regional Office. Additional sessions will be scheduled at Regional or State offices as demand and logistics dictate.

Interpretation of HRS Instructions

The HRS training staff will be available to the States and Regions for questions concerning use of HRS. Users of the HRS would contact these individuals when a point of interpretation may influence a site score; this should lessen the prospect of conflicts arising during auditing.

Quality Control Check

Regions will be responsible for conducting a Quality Control (QC) check of HRS scores before information packages are submitted to OERR. The QC check will:

- Ensure that the information package is complete;
- Check arithmetic;
- Ensure that scores for individual HRS factors are appropriate (per the HRS document) given the information contained in the information packages;
- Resolve and correct with the States any errors or discrepancies that arise.

A QC checklist will be provided.

Quality Assurance Audit

OERR will conduct a QA audit of a sample of site scores and information packages. FIT personnel will verify the validity of the information submitted and evaluate the completeness of the information packages and the thoroughness of the QC checking. The QA audit team may need to visit State and Regional Offices in order to verify information. Their cooperation in directing the team to relevant sources of information is needed to complete the audit in a timely and efficient manner. The Regions and States will be promptly informed of any potential changes in score due to the QA work and will be given an opportunity to review the work and submit information that the audit team may have overlooked.

SCHEDULE

HRS distributed to the States and Regions	June 23
Training sessions	June 28-July 30
Site names and scores submitted to OERR	August 13
QA begins	August 20
Regions complete QC, submit items (1)-(3)	August 30
Regions submit items (4)-(7)	September 17
OERR compiles the proposed National Priorities List	September 30

RADIOACTIVE MATERIALS

CERCLA COVERAGE

CERCLA EXEMPTIONS

CERCLA Section 101(22)(C) specifically excludes from CERCLA response authority the following releases of radioactive substances:

- Releases of source, byproduct, or special nuclear material from a nuclear incident if the release is subject to financial protection requirements under Section 170 of the Atomic Energy Act of 1954 (AEA); and

- Releases of source, byproduct, or special nuclear material from any processing site designated under Sections 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). Section 102(a)(1) lists 20 locations at which or near which there are sites that the Secretary of Energy must designate for remedial action. The Secretary may also designate additional sites. Section 302(a) also gives the Secretary of Energy the authority to designate 2 specific processing sites for remedial action if the NRC determines that the 2 sites cannot be adequately controlled or regulated by the State or NRC. To date, the Secretary of Energy has not designated these 2 sites.

RADIOACTIVE MATERIALS
CERCLA COVERAGE

CERCLA COVERAGE

- CERCLA AUTHORIZES EPA TO RESPOND TO RELEASES OF DESIGNATED HAZARDOUS SUBSTANCES.

- CERCLA SECTION 101(14) DEFINES "HAZARDOUS SUBSTANCE" AS ANY SUBSTANCES DESIGNATED UNDER THE FOLLOWING:

    CLEAN WATER ACT (SECTIONS 311 AND 307)
    RCRA (SECTION 3001)
    CLEAN AIR ACT (SECTION 112)
    TSCA (SECTION 7)
    CERCLA (SECTION 102(A))

- EPA AUTHORITY TO RESPOND UNDER CERCLA IS PREMISED ON THE OCCURRENCE OF A "RELEASE," OR A "SUBSTANTIAL THREAT" OF A RELEASE, SECTION 101(22) DEFINES "RELEASE" FOR PURPOSES OF CERCLA.

- TO ASSURE COST-EFFECTIVE USE OF FUND RESOURCES, EPA WILL ISSUE THE NATIONAL PRIORITY LIST (NPL), WHICH IDENTIFIES THOSE SITES THAT ARE ELIGIBLE FOR REMEDIAL ACTION.

CERCLA RESPONSE JURISDICTION

- EPA WILL NOT RESPOND TO RELEASES OF RADIOACTIVE MATERIALS WHICH COME UNDER THE JURISDICTION OF ANOTHER AGENCY. THIS INCLUDES SITES WHERE NRC HAS RESPONSE JURISDICTION:

Statutory Exemptions

-- SITES WITH CURRENT FACILITY LICENSE

-- SITES WITH CURRENT MATERIALS LICENSE FOR WHICH THE NRC HAS IMPOSED FINANCIAL PROTECTION REQUIREMENTS UNDER THE AEA

EPA Policy Decision

-- SITES WITH CURRENTLY VALID MATERIALS LICENSE FOR WHICH THE NRC HAS NOT IMPOSED FINANCIAL PROTECTION REQUIREMENTS UNDER THE AEA.

CERCLA RESPONSE JURISDICTION

(CONTINUED)

- RATIONALE: ANOTHER FEDERAL AGENCY (NRC, DOE) CAN HANDLE THE PROBLEM.
- EPA WILL EVALUATE, ON A CASE-BY-CASE BASIS, ALL OTHER RELEASES OF RADIOACTIVE MATERIALS WHICH THREATEN OR POTENTIALLY THREATEN PUBLIC HEALTH, WELFARE, OR ENVIRONMENT.
- RELEASES OCCURRING AT PREVIOUSLY LICENSED SITES WHERE LICENSE IS NO LONGER VALID ARE NOT EXEMPT FROM CERCLA AUTHORITY.
- UNDER CERCLA SECTION 101(10)(K), ANY RELEASE OF SOURCE, SPECIAL NUCLEAR, OR BYPRODUCT MATERIAL, WHICH IS FEDERALLY PERMITTED IS:

  -- EXEMPT FROM NOTIFICATION REQUIREMENTS (SECTION 103(A));

  -- EXEMPT FROM LIABILITY FOR COST-RECOVERY AND DAMAGES (SECTION 107(J)); AND

  -- NOT EXEMPT FROM SECTION 104 RESPONSE AUTHORITY.
- REMEDIAL ACTIONS CAN ONLY BE UNDERTAKEN AT SITES ON THE NATIONAL PRIORITY LIST. RELEASES OF RADIOACTIVE MATERIALS WILL BE EVALUATED IN THE CONTEXT OF OTHER RELEASES FOR PRIORITY LISTING.